ESTTA Tracking number: **ESTTA461771**

Filing date: **03/14/2012**

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

Proceeding	91201504
Party	Plaintiff Viking Range Corporation
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Submission	Motion to Extend
Filer's Name	Marcy L. Sperry
Filer's e-mail	fhedgepeth@wcsr.com
Signature	/Marcy L. Sperry/
Date	03/14/2012
Attachments	Opposers Motion for Extension of Time.pdf (5 pages)(149162 bytes) Exhibit A1.pdf (31 pages)(1081048 bytes) Exhibit A2.pdf (30 pages)(1042747 bytes) Exhibit A3.pdf (30 pages)(1030221 bytes) Exhibit A4.pdf (30 pages)(1054305 bytes) Exhibit A5.pdf (30 pages)(1029069 bytes) Exhibit A6.pdf (30 pages)(1042467 bytes) Exhibit B.pdf (10 pages)(393917 bytes) Exhibit C.pdf (5 pages)(107089 bytes)

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

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	Opposition No. 91201482 Opposition No. 91201495 Opposition No. 91201501 Opposition No. 91201502 Opposition No. 91201504 Opposition No. 91201506 Opposition No. 91201512

OPPOSER'S MOTION FOR EXTENSION OF TIME TO SERVE DISCOVERY RESPONSES

Pursuant to 37 C.F.R. § 2.120(a) and TBMP § 509, Viking Range Corporation ("Opposer") moves for a thirty (30) day extension of time to serve responses to Viking River Cruises (Bermuda) Ltd.'s ("Applicant") discovery requests in the above-captioned oppositions (the "Oppositions").

The Board may extend the time for serving responses to discovery requests upon a motion. TBMP §509. Opposer moves for an extension of time for good cause to serve responses to Applicant's First Set of Interrogatories, First Set of Document Requests, and First Set of Requests for Admission (collectively, the "Discovery Requests"), which were served on February 13, 2012 in six of the seven Oppositions. The Discovery Requests were not served in Opposition No. 91201495 as discovery does not open in that proceeding until March 23, 2012. Because the Oppositions involve common questions of law and fact, Opposer has filed a Motion to Consolidate the Oppositions to save the Board and the parties time, effort, and expense. In

addition, Opposer has filed a Motion to Suspend the Oppositions, including discovery, pending the Board's ruling on consolidation. Extending the time for discovery will further streamline the Oppositions, especially since the Board's ruling on consolidation may result in a new discovery schedule and/or a requirement that Applicant serve new discovery under the consolidated opposition.

Opposer has attempted to work with Applicant to resolve this matter and obtain a reasonable extension of time. During the parties' discovery conference on February 13, 2012, Opposer requested Applicant's consent to consolidation of the Oppositions, but Applicant refused to consent. On that same day, Applicant served Opposer via first class mail with six virtually identical sets of interrogatories, six virtually identical sets of document requests, and six virtually identical sets of admission requests (the "Discovery Requests"). Opposer did not receive the Discovery Requests until on or around February 17, 2012. In total, Applicant served Opposer with 18 sets of nearly identical Discovery Requests. (*See* Applicant's Discovery Requests and Initial Disclosures attached as **Exhibit A**).

Due to the common issues of fact and law involved in the Oppositions, on February 23, 2012, Opposer informed Applicant that it would be filing a motion to consolidate and asked Applicant for consent to suspend the Oppositions, including all discovery, pending the Board's ruling on consolidation. Applicant again refused to consent to consolidation and also refused to consent to any suspension as to discovery. As a result, on February 23, 2012, Opposer filed a Motion to Consolidate and a Motion to Suspend the Oppositions, including discovery, pending the ruling on consolidation. (*See* Motion to Consolidate and Motion to Suspend, attached as **Exhibits B and C**).

In addition, the parties have earnestly been engaged in settlement discussions. In fact, there is an outstanding settlement proposal that the parties are considering. On March 12, 2012, Opposer asked Applicant for consent to a thirty day extension to serve responses to the Discovery Requests to allow the parties time to work towards settlement. Surprisingly, Applicant refused to consent to such a reasonable extension. On March 13, 2012, Applicant stated that it would only provide consent to the extension if Opposer stipulated not to consolidate the Oppositions until after the close of discovery. Because consolidation will save the parties and the Board substantial time and resources, Opposer is not willing to stipulate to this request.

Accordingly, for good cause, Opposer requests a thirty day extension of time to serve responses to the Discovery Requests. An extension will facilitate settlement discussions and allow the Board time to rule on the pending Motions to Consolidate and Suspend. Furthermore, consolidation of the Oppositions would likely result in a new discovery schedule, and would also likely require Applicant to serve discovery requests in a single consolidated opposition. The extension will prevent the unnecessary expense and time required in preparing and serving duplicative responses to Applicant's 18 sets of Discovery Requests, particularly since such Discovery Requests may become moot in the event of consolidation. Therefore, Opposer respectfully requests that the Board grant its Motion for a thirty (30) day extension to serve responses to the Discovery Requests.

This 14th day of March, 2012.

Respectfully submitted,

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, LLP
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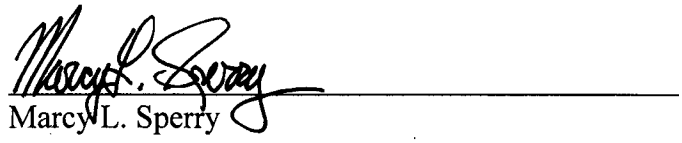
Email: msperry@wcsr.com
skeefe@wcsr.com

Attorneys for Opposer, Viking Range Corporation

CERTIFICATE OF MAILING

I do hereby certify that on March 14, 2012, I filed via electronic means (ESTTA) this MOTION FOR EXTENSION with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

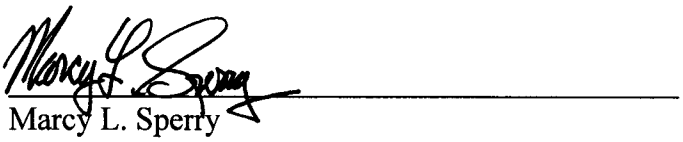


Marcy L. Sperry

CERTIFICATE OF SERVICE

I do hereby certify that on March 14, 2012, I mailed by United States mail, first class postage prepaid, a true and correct copy of this MOTION FOR EXTENSION to:

Beth M. Goldman
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, California 94105



Marcy L. Sperry

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

In the Matter of Application Serial No. 85/136,757
Trademark: **VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S INITIAL DISCLOSURES** Opposition No.: 91201501

Applicant Viking River Cruises (Bermuda) Ltd. ("Viking River Cruises") hereby makes the following initial disclosures to Opposer Viking Range Corporation ("Viking Range") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Trademark Rule §2.120, based on the information reasonably available to Viking River Cruises at this time.

I. PRELIMINARY STATEMENT

1. Viking River Cruises' investigation in this action is continuing. Viking River Cruises reserves the right to supplement and/or amend its disclosures as additional information becomes known to it. Viking River Cruises further reserves the right to supplement and/or amend its disclosures based on additional information obtained through discovery or other means.

2. Viking River Cruises construes the requirements of Rule 26(a) not to require the production of any information or documents protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, or that constitute settlement communications regarding this matter. Viking River Cruises intends to and does assert a

privilege with respect to all such information and documents, and inadvertent disclosure shall not constitute a waiver of any such privilege.

3. Many of the documents in Viking River Cruises' possession may contain trade secrets and/or confidential commercial and/or proprietary information. Viking River Cruises will only produce such documents pursuant to the Trademark Trial and Appeal Board's standard protective order or upon entry of another appropriate order protecting the confidentiality of documents produced by Viking River Cruises.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of individuals that Viking River Cruises may use to support its claims in the subject Opposition. Viking River Cruises is still in the process of identifying the specific individuals that will have information in these categories, but will provide Viking Range with a list of names as soon as it is available.

- Individuals with knowledge concerning Viking River Cruises' selection of VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.
- Individuals with knowledge concerning Viking River Cruises' trademark application for VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.
- Individuals with knowledge concerning Viking River Cruises' use or intended use of VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.
- Individuals with knowledge concerning the services offered or intended to be offered by Viking River Cruises under VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.

2. The address of Viking River Cruises is Clarendon House, 2 Church Street, Hamilton HM 11, Bermuda. Current employees of Viking River Cruises should only be contacted through counsel for Viking River Cruises in this action.

III. DOCUMENTS THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of documents, data compilations and tangible things that are in Viking River Cruises' possession, custody or control that Viking River Cruises may use to support its claims. Not all documents in these categories are necessarily relevant to this Opposition or support Viking River Cruises' claims.

- Documents concerning Viking River Cruises' selection of VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.
- Documents concerning Viking River Cruises' trademark application for VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.
- Documents concerning Viking River Cruises' use or intended use of VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.
- Documents concerning the services offered or intended to be offered under VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.

Dated: February 13, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S INITIAL DISCLOSURES** is being served upon counsel for Opposer by First Class Mail on this 13th day of February 2012, by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

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OHSUSA:261537149.1

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

In the Matter of Application Serial No. 85/136,757
Trademark: **VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER** Opposition No.: 91201501

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer produce for inspection and copying each of the documents and things identified below within thirty (30) days after service hereof.

I. DEFINITIONS

The following definitions apply to this first set of document requests:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of document requests:

1. In construing each of these document requests, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the document request more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. Respond to these document requests by drawing upon all resources to which you have access, or the right of access. The documents requested specifically include, but are not limited to, those documents in your possession, custody or control, or the possession, custody or control of your agents, attorneys and representatives.

4. Where any document is withheld under a claim of privilege, immunity, confidentiality or protection of any kind, state the following for each document: (a) the type of document; (b) the name, occupation and title of all persons who are the source of the document; (c) the name, occupation and title of all persons to whom the document has been disclosed; (d) the date of the document; (e) a description of the subject matter of the document; (f) the number of pages of the document; and (g) the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

III. DOCUMENTS AND THINGS TO BE PRODUCED

Please produce the following documents and things:

1. All documents identified, referred to or depended upon in your responses to Applicant's First Set of Interrogatories to Opposer.

2. If Opposer denies any of the requested admissions set forth in Applicant's First Set of Requests for Admission to Opposer served herewith, produce all documents and things Opposer will rely upon in this proceeding to prove that each such requested admission is untrue.

3. Documents sufficient to describe in detail all products and services sold or intended to be sold under the VIKING mark.

4. All documents which relate to marketing surveys, marketing tests, marketing studies or marketing reports concerning the VIKING mark.

5. All documents which relate to consumer surveys concerning the VIKING mark, including individual questionnaires, pilot studies, and focus groups.

6. All documents which refer to or describe the consumer market to which you sell or distribute and/or intend to sell or distribute your products or services offered under VIKING.

7. All documents relating to the stores, retail outlets, offices or other locations at which you market, promote, sell, or offer your goods or services offered under VIKING.

8. All documents which refer to or describe the channels of trade in which you sell, distribute and/or intend to sell or distribute your products or services offered under VIKING.

9. Documents sufficient to show all geographic territories in which you offer and/or intend to offer goods or services under VIKING.

10. All documents relating to any surveys, studies, communications or memoranda concerning the quality or standard of quality of Opposer's goods or services offered under VIKING, including awards, complaints, and the like concerning quality.

11. All documents constituting or relating to any complaints or investigations regarding any products and/or services offered under the VIKING mark.

12. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with any products or services.

13. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with cooking schools and/or cooking classes.

14. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with wine and food tastings.

15. Representative specimens, currently or formerly used, showing use and/or proposed use of VIKING in commerce in connection with cooking schools, cooking classes, and/or wine and food tastings.

16. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark within the last five (5) years.

17. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark in connection with cooking schools, cooking classes, and/or wine and food tastings.

18. All documents which relate to the total volume, in units, of goods and/or services sold by Opposer under VIKING.

19. All documents which relate to the total volume, in dollars, of goods and/or services sold by Opposer under VIKING.

20. All documents relating to the media in which you have advertised or promoted or will advertise or promote your products or services in connection with the VIKING mark, and showing the extent of such advertising or promotion on a quarterly or annual basis within the last five (5) years.

21. All documents relating to the media in which you have advertised or promoted or will advertise or promote your cooking schools, cooking classes, and/or wine and food tasting services in connection with VIKING, and showing the extent of such advertising or promotion on a quarterly or annual basis.

22. All documents relating to your advertising or promotional expenditures for any goods or services offered under VIKING within the last five (5) years.

23. All documents relating to your advertising or promotional expenditures for your cooking schools and/or cooking classes offered under the VIKING mark within the last five (5) years.

24. All documents relating to your advertising or promotional expenditures for your wine and food tasting services offered under the VIKING mark within the last five (5) years.

25. All documents relating to your promotional and marketing plans with respect to VIKING.

26. All documents which relate to Applicant.

27. All documents which relate to VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design and/or Applicant's services.

28. All communications between you and third parties relating to Applicant, the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark, and/or Applicant's services.

29. All agreements relating to your VIKING mark, including, but not limited to, licenses, assignments, coexistence agreements, settlement agreements and consent agreements.

30. Documents sufficient to show the price or price range of tuition for or participation in Opposer's cooking schools, cooking classes, and wine and food tastings.

31. Documents sufficient to show the number of cooking schools offered under the VIKING mark and the location of each such school.

32. Documents sufficient to show the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

33. Documents sufficient to show the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

34. Documents sufficient to show the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

35. All documents which relate to any instances where a person has been confused or mistaken as to the origin or sponsorship of any product or service of Opposer marketed or distributed under VIKING.

36. All documents which relate to any instance where a person demonstrated or suggested a belief that any of your products or services marketed or distributed under VIKING are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.

37. All documents constituting or relating to communications received by you, including telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or Applicant's services marketed or distributed under VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design.

38. All cease and desist letters received by you relating to your use of, or efforts to register, VIKING.

39. All documents relating to any litigation or dispute concerning VIKING.

40. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks similar to VIKING used on or in connection with services identical, similar or related to Opposer's products or services.

41. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks that incorporate the term "VIKING" used on or in connection with goods or services identical, similar or related to Opposer's goods or services.

42. All documents which you intend to rely upon, if any, in order to demonstrate that there is a likelihood of confusion between VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design, on one hand, and VIKING, on the other.

43. All documents which you intend to rely upon, if any, in order to demonstrate that VIKING is a famous mark.

44. All documents which you intend to rely upon, if any, in order to demonstrate that Applicant's VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

45. All documents which you intend to rely upon, if any, in order to support your allegation that Applicant did not have a bona fide intention to use the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark in commerce with Applicant's services when Applicant filed its application.

46. All documents relating to any travel services, tour services, and/or restaurant services provided by Opposer under the VIKING mark.

47. All documents relating to Opposer's decision to file for wine and food tastings under the VIKING mark.

48. All documents relating to or referring to any facts or opinions as to which any expert witness is expected to testify with respect to the issues in this proceeding, including reports prepared, documents prepared and documents consulted by or on behalf of such witness.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

Attorneys for Applicant
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, California 94105
(415) 773-5700

OHSUSA:261536871.1

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

In the Matter of Application Serial No. 85/136,757
Trademark: **VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** Opposition No.: 91201501

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer answer the following interrogatories under oath within thirty (30) days after service thereof.

I. DEFINITIONS

The following definitions apply to this first set of interrogatories:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its

companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of interrogatories:

1. In construing each of these interrogatories, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the interrogatory more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. A request to "identify" or "state with particularity" requires the following information:

A. With respect to a natural person, provide:

1. full name;

2. present or last known business address (including telephone number and email address), occupation and business position or title held; and

3. present or last known residence address (including telephone number and email address).

B. With respect to a firm, corporation, company, partnership, joint venture or other entity which is not a natural person provide:

1. full name;

2. place of incorporation or organization (if any); and

3. principal place of business.

C. With respect to a document, provide:

1. the date of the document;

2. the identity of each person who authorized, signed, created or prepared the document;

3. the identity of each addressee and recipient of the document;

4. the title and subject matter of the document;

5. the number of pages in the document;

6. the identity of the persons having possession, custody, or control of the original copies of the document; and

7. a present location of the document.

D. With respect to a communication, specify the form of the communication. If the communication was in written form, identify the communication in the manner that a document is to be identified under this Paragraph, Paragraph 3, of these initial definitions. If the communication was not in written form, specify:

1. the manner in which the communication was made (e.g., telephone, conversation, speech, etc.);

2. the identity of each person who participated in or witnessed the communication;

3. the subject matter and content of the communication; and

4. the date of the communication.

4. All relevant, non-privileged information which you or your employees possess or control is to be divulged. Should you claim privilege, immunity, confidentiality or protection of any kind with respect to any documents concerning which information is requested by any of the following interrogatories, you shall list such documents and shall identify each document in the manner prescribed by Paragraph 3 of these initial definitions, and additionally shall state the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

5. If, after exercising due diligence to secure the information requested, you cannot respond to a request or any portion thereof in full, so state, answer to the extent possible, specify the reasons you were unable to provide a full and complete answer, and state what information and knowledge you do have concerning the unanswered portion.

6. If, after answering, you acquire additional knowledge or information requested by the following interrogatories, Applicant requests that you serve upon Applicant amended or

supplemental responses in accordance with Fed. R. Civ. P. 26(e), no more than thirty (30) days after you acquire such knowledge or information.

III. INTERROGATORIES

Interrogatory No. 1:

In connection with Opposer's use or intended use of VIKING in United States commerce, state or identify:

a. each and every good and/or service in connection with which VIKING has been used;

b. each and every good and/or service in connection with which VIKING is intended to be used;

c. the date of first use of each good or service with which VIKING has been used;

d. the date of first use of each good or service with which VIKING is intended to be used;

e. Opposer's customers, or intended customers, for each good and/or service sold, or intended to be sold, under VIKING;

f. the total volume, in units, per year, of each good and/or service sold by Opposer under VIKING;

g. the total volume, in dollars, per year, of each good and/or service sold by Opposer under VIKING; and

h. the approximate price at retail charged, or intended to be charged, for each product or service offered under VIKING.

Interrogatory No. 2:

Describe in specific terms the age and income of the consumers to whom you market and/or sell or intend to market and/or sell each of your VIKING products and services.

Interrogatory No. 3:

Describe the characteristics of purchasers of or participants in Opposer's cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark, specifically

identifying the degree of care those purchasers exercise when purchasing these services.

Interrogatory No. 4:

Describe the channels of distribution used by, or intended to be used by, Opposer in connection with the goods and/or services offered under the VIKING mark.

Interrogatory No. 5:

State the total approximate advertising expenditure in the United States made by Opposer on an annual basis to promote the VIKING mark during the past five years.

Interrogatory No. 6:

Identify all media which Opposer has used during the last five years to promote Opposer's goods and/or services offered under the VIKING mark.

Interrogatory No. 7:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with cooking schools and/or cooking classes in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;
c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);
d. where each such advertisement or promotion appeared; and
e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 8:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with wine and food tastings in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 9:

Identify the number of cooking schools offered by Opposer under the VIKING mark and the location of each such school.

Interrogatory No. 10:

Identify the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

Interrogatory No. 11:

Identify the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

Interrogatory No. 12:

Identify the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

Interrogatory No. 13:

State whether Opposer uses or intends to use the VIKING mark in connection with any other entertainment or educational services, excluding cooking schools, cooking classes, and wine and food tastings.

Interrogatory No. 14:

Identify the date on which you first became aware of Applicant's VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 15:

Describe the circumstances under which you first became aware of Applicant's VIKING

RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 16:

Identify the date on which Opposer first became aware of Applicant's trademark application for the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 17:

Describe the circumstances under which Opposer first became aware of Applicant's trademark application for the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 18:

Identify the date on which Opposer made the decision to challenge Applicant's trademark application for the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 19:

Identify all persons involved in Opposer's decision to oppose Applicant's trademark application for the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 20:

Identify any instances of which you are aware in which any person has been confused or mistaken or claimed to be confused or mistaken as to the origin or sponsorship of any goods or services marketed or distributed under the VIKING mark as compared to the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 21:

Identify any instances of which you are aware in which any person has demonstrated or suggested a belief that any of your cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark are or were in any way associated with or related to Applicant or

Applicant's services marketed or distributed under the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 22:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING and VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design are confusing with respect to entertainment and education services in the nature of live dance and musical performances; entertainment services, namely, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes.

Interrogatory No. 23:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING is a famous trademark.

Interrogatory No. 24:

State the date on which you contend the VIKING mark became a famous trademark.

Interrogatory No. 25:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

Interrogatory No. 26:

State whether you use VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 27:

State whether you promote VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 28:

Identify any communications received by Opposer, including, but not limited to, telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or the VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design mark.

Interrogatory No. 29:

Do you license or are you intending to license the VIKING mark or otherwise allow a third party to use the VIKING mark? If yes, identify the companies or entities to whom you have or will license the VIKING mark or otherwise have or will allow to use the VIKING mark.

Interrogatory No. 30:

Identify all persons who have held or are presently performing the functions for Opposer listed below, and for each such person indicate the dates during which the position was held:

a. Manager or Director of Marketing

b. Manager or Director of Sales

c. Attorney or other person advising you on this opposition

Interrogatory No. 31:

Identify each witness, including experts, whose testimony Opposer intends to rely upon in this proceeding.

Interrogatory No. 32:

Identify all persons (other than clerical personnel) who participated in any way in providing responses to these interrogatories.

Interrogatory No. 33:

If Opposer has denied any of Applicant's First Set of Requests for Admission to Opposer, state the basis for such denial.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 8 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
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271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

Attorneys for Applicant
ORRICK, HERRINGTON & SUTCLIFFE LLP
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OHSUSA:261536653.1

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

In the Matter of Application Serial No. 85/136,757
Trademark: **VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER** Opposition No.: 91201501

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant hereby requests that Opposer respond by admitting under oath the truthfulness of the matters set forth in each of the following Requests for Admission within thirty (30) days after service thereof.

I. DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this first set of requests for admission:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary,

affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade

name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that you do not own exclusive trademark rights to use of the term "VIKING."

Request for Admission No. 2:

Admit that there are other third parties using the term "VIKING" as part of their trademarks.

Request for Admission No. 3:

Admit that your cooking schools and cooking classes are not offered on cruise ships.

Request for Admission No. 4:

Admit that your wine and food tastings are not offered on cruise ships.

Request for Admission No. 5:

Admit that your cooking schools, cooking classes, and/or wine and food tastings promote VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 6:

Admit that your cooking schools, cooking classes, and/or wine and food tastings utilize VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 7:

Admit that you have not used the VIKING mark in connection with providing a cooking school and cooking classes prior to January 2004.

Request for Admission No. 8:

Admit that you have not used the VIKING mark in connection with wine and food tastings prior to 1999.

Request for Admission No. 9:

Admit that your wine and food tasting services are only offered in connection with your cooking classes and/or cooking schools.

Request for Admission No. 10:

Admit that customers of Opposer's cooking schools, cooking classes, and/or wine and food tastings must register for the classes and/or tastings in advance by contacting a Viking Cooking School or enrolling online through Opposer's website.

Request for Admission No. 11:

Admit that your VIKING mark is not famous with respect to cooking schools and/or cooking classes.

Request for Admission No. 12:

Admit that your VIKING mark is not famous with respect to wine and food tastings.

Request for Admission No. 13:

Admit that the documents and things you have produced in response to Applicant's First Set of Document Requests to Opposer served herewith are authentic.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 8, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

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405 Howard Street
San Francisco, California 94105
(415) 773-5700

OHSUSA:261536512.1

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

In the Matter of Application Serial No. 85/133,778
Trademark: **VIKING RIVER CRUISES**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S INITIAL DISCLOSURES** Opposition No.: 91201502

Applicant Viking River Cruises (Bermuda) Ltd. ("Viking River Cruises") hereby makes the following initial disclosures to Opposer Viking Range Corporation ("Viking Range") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Trademark Rule §2.120, based on the information reasonably available to Viking River Cruises at this time.

I. PRELIMINARY STATEMENT

1. Viking River Cruises' investigation in this action is continuing. Viking River Cruises reserves the right to supplement and/or amend its disclosures as additional information becomes known to it. Viking River Cruises further reserves the right to supplement and/or amend its disclosures based on additional information obtained through discovery or other means.

2. Viking River Cruises construes the requirements of Rule 26(a) not to require the production of any information or documents protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, or that constitute settlement communications regarding this matter. Viking River Cruises intends to and does assert a

privilege with respect to all such information and documents, and inadvertent disclosure shall not constitute a waiver of any such privilege.

3. Many of the documents in Viking River Cruises' possession may contain trade secrets and/or confidential commercial and/or proprietary information. Viking River Cruises will only produce such documents pursuant to the Trademark Trial and Appeal Board's standard protective order or upon entry of another appropriate order protecting the confidentiality of documents produced by Viking River Cruises.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of individuals that Viking River Cruises may use to support its claims in the subject Opposition. Viking River Cruises is still in the process of identifying the specific individuals that will have information in these categories, but will provide Viking Range with a list of names as soon as it is available.

- Individuals with knowledge concerning Viking River Cruises' selection of VIKING RIVER CRUISES.
- Individuals with knowledge concerning Viking River Cruises' trademark application for VIKING RIVER CRUISES.
- Individuals with knowledge concerning Viking River Cruises' use or intended use of VIKING RIVER CRUISES.
- Individuals with knowledge concerning the services offered or intended to be offered by Viking River Cruises under VIKING RIVER CRUISES.

2. The address of Viking River Cruises is Clarendon House, 2 Church Street, Hamilton HM 11, Bermuda. Current employees of Viking River Cruises should only be contacted through counsel for Viking River Cruises in this action.

III. DOCUMENTS THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of documents, data compilations and tangible things that are in Viking River Cruises' possession, custody or control that Viking River Cruises may use to support its claims. Not all documents in these categories are necessarily relevant to this Opposition or support Viking River Cruises' claims.

- Documents concerning Viking River Cruises' selection of VIKING RIVER CRUISES.
- Documents concerning Viking River Cruises' trademark application for VIKING RIVER CRUISES.
- Documents concerning Viking River Cruises' use or intended use of VIKING RIVER CRUISES.
- Documents concerning the services offered or intended to be offered under VIKING RIVER CRUISES.

Dated: February 13, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S INITIAL DISCLOSURES** is being served upon counsel for Opposer by First Class Mail on this 13th day of February 2012, by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
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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. 85/133,778
Trademark: **VIKING RIVER CRUISES**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** Opposition No.: 91201502

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer answer the following interrogatories under oath within thirty (30) days after service thereof.

I. DEFINITIONS

The following definitions apply to this first set of interrogatories:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its

companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of interrogatories:

1. In construing each of these interrogatories, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the interrogatory more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. A request to "identify" or "state with particularity" requires the following information:

A. With respect to a natural person, provide:

1. full name;

2. present or last known business address (including telephone number and email address), occupation and business position or title held; and

3. present or last known residence address (including telephone number and email address).

B. With respect to a firm, corporation, company, partnership, joint venture or other entity which is not a natural person provide:

1. full name;

2. place of incorporation or organization (if any); and

3. principal place of business.

C. With respect to a document, provide:

1. the date of the document;

2. the identity of each person who authorized, signed, created or prepared the document;

3. the identity of each addressee and recipient of the document;

4. the title and subject matter of the document;

5. the number of pages in the document;

6. the identity of the persons having possession, custody, or control of the original copies of the document; and

7. a present location of the document.

D. With respect to a communication, specify the form of the communication. If the communication was in written form, identify the communication in the manner that a document is to be identified under this Paragraph, Paragraph 3, of these initial definitions. If the communication was not in written form, specify:

1. the manner in which the communication was made (e.g., telephone, conversation, speech, etc.);

2. the identity of each person who participated in or witnessed the communication;

3. the subject matter and content of the communication; and

4. the date of the communication.

4. All relevant, non-privileged information which you or your employees possess or control is to be divulged. Should you claim privilege, immunity, confidentiality or protection of any kind with respect to any documents concerning which information is requested by any of the following interrogatories, you shall list such documents and shall identify each document in the manner prescribed by Paragraph 3 of these initial definitions, and additionally shall state the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

5. If, after exercising due diligence to secure the information requested, you cannot respond to a request or any portion thereof in full, so state, answer to the extent possible, specify the reasons you were unable to provide a full and complete answer, and state what information and knowledge you do have concerning the unanswered portion.

6. If, after answering, you acquire additional knowledge or information requested by the following interrogatories, Applicant requests that you serve upon Applicant amended or

supplemental responses in accordance with Fed. R. Civ. P. 26(e), no more than thirty (30) days after you acquire such knowledge or information.

III. INTERROGATORIES

Interrogatory No. 1:

In connection with Opposer's use or intended use of VIKING in United States commerce, state or identify:

a. each and every good and/or service in connection with which VIKING has been used;

b. each and every good and/or service in connection with which VIKING is intended to be used;

c. the date of first use of each good or service with which VIKING has been used;

d. the date of first use of each good or service with which VIKING is intended to be used;

e. Opposer's customers, or intended customers, for each good and/or service sold, or intended to be sold, under VIKING;

f. the total volume, in units, per year, of each good and/or service sold by Opposer under VIKING;

g. the total volume, in dollars, per year, of each good and/or service sold by Opposer under VIKING; and

h. the approximate price at retail charged, or intended to be charged, for each product or service offered under VIKING.

Interrogatory No. 2:

Describe in specific terms the age and income of the consumers to whom you market and/or sell or intend to market and/or sell each of your VIKING products and services.

Interrogatory No. 3:

Describe the characteristics of purchasers of or participants in Opposer's cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark, specifically

identifying the degree of care those purchasers exercise when purchasing these services.

Interrogatory No. 4:

Describe the channels of distribution used by, or intended to be used by, Opposer in connection with the goods and/or services offered under the VIKING mark.

Interrogatory No. 5:

State the total approximate advertising expenditure in the United States made by Opposer on an annual basis to promote the VIKING mark during the past five years.

Interrogatory No. 6:

Identify all media which Opposer has used during the last five years to promote Opposer's goods and/or services offered under the VIKING mark.

Interrogatory No. 7:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with cooking schools and/or cooking classes in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;
c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);
d. where each such advertisement or promotion appeared; and
e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 8:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with wine and food tastings in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 9:

Identify the number of cooking schools offered by Opposer under the VIKING mark and the location of each such school.

Interrogatory No. 10:

Identify the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

Interrogatory No. 11:

Identify the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

Interrogatory No. 12:

Identify the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

Interrogatory No. 13:

State whether Opposer uses or intends to use the VIKING mark in connection with any other entertainment or educational services, excluding cooking schools, cooking classes, and wine and food tastings.

Interrogatory No. 14:

Identify the date on which you first became aware of Applicant's VIKING RIVER CRUISES mark.

Interrogatory No. 15:

Describe the circumstances under which you first became aware of Applicant's VIKING

RIVER CRUISES mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 16:

Identify the date on which Opposer first became aware of Applicant's trademark application for the VIKING RIVER CRUISES mark.

Interrogatory No. 17:

Describe the circumstances under which Opposer first became aware of Applicant's trademark application for the VIKING RIVER CRUISES mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 18:

Identify the date on which Opposer made the decision to challenge Applicant's trademark application for the VIKING RIVER CRUISES mark.

Interrogatory No. 19:

Identify all persons involved in Opposer's decision to oppose Applicant's trademark application for the VIKING RIVER CRUISES mark.

Interrogatory No. 20:

Identify any instances of which you are aware in which any person has been confused or mistaken or claimed to be confused or mistaken as to the origin or sponsorship of any goods or services marketed or distributed under the VIKING mark as compared to the VIKING RIVER CRUISES mark.

Interrogatory No. 21:

Identify any instances of which you are aware in which any person has demonstrated or suggested a belief that any of your cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under the VIKING RIVER CRUISES mark.

Interrogatory No. 22:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING and VIKING RIVER CRUISES are confusing with respect to entertainment and education services in the nature of live dance and musical performances; entertainment services, namely, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes.

Interrogatory No. 23:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING is a famous trademark.

Interrogatory No. 24:

State the date on which you contend the VIKING mark became a famous trademark.

Interrogatory No. 25:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING RIVER CRUISES would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

Interrogatory No. 26:

State whether you use VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 27:

State whether you promote VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 28:

Identify any communications received by Opposer, including, but not limited to, telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or the VIKING RIVER CRUISES mark.

Interrogatory No. 29:

Do you license or are you intending to license the VIKING mark or otherwise allow a third party to use the VIKING mark? If yes, identify the companies or entities to whom you have or will license the VIKING mark or otherwise have or will allow to use the VIKING mark.

Interrogatory No. 30:

Identify all persons who have held or are presently performing the functions for Opposer listed below, and for each such person indicate the dates during which the position was held:

a. Manager or Director of Marketing

b. Manager or Director of Sales

c. Attorney or other person advising you on this opposition

Interrogatory No. 31:

Identify each witness, including experts, whose testimony Opposer intends to rely upon in this proceeding.

Interrogatory No. 32:

Identify all persons (other than clerical personnel) who participated in any way in providing responses to these interrogatories.

Interrogatory No. 33:

If Opposer has denied any of Applicant's First Set of Requests for Admission to Opposer, state the basis for such denial.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

Attorneys for Applicant
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OHSUSA:261536685.1

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

In the Matter of Application Serial No. 85/133,778
Trademark: **VIKING RIVER CRUISES**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER** Opposition No.: 91201502

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant hereby requests that Opposer respond by admitting under oath the truthfulness of the matters set forth in each of the following Requests for Admission within thirty (30) days after service thereof.

I. DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this first set of requests for admission:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary,

affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that you do not own exclusive trademark rights to use of the term "VIKING."

Request for Admission No. 2:

Admit that there are other third parties using the term "VIKING" as part of their trademarks.

Request for Admission No. 3:

Admit that your cooking schools and cooking classes are not offered on cruise ships.

Request for Admission No. 4:

Admit that your wine and food tastings are not offered on cruise ships.

Request for Admission No. 5:

Admit that your cooking schools, cooking classes, and/or wine and food tastings promote VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 6:

Admit that your cooking schools, cooking classes, and/or wine and food tastings utilize VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 7:

Admit that you have not used the VIKING mark in connection with providing a cooking school and cooking classes prior to January 2004.

Request for Admission No. 8:

Admit that you have not used the VIKING mark in connection with wine and food tastings prior to 1999.

Request for Admission No. 9:

Admit that your wine and food tasting services are only offered in connection with your cooking classes and/or cooking schools.

Request for Admission No. 10:

Admit that customers of Opposer's cooking schools, cooking classes, and/or wine and food tastings must register for the classes and/or tastings in advance by contacting a Viking Cooking School or enrolling online through Opposer's website.

Request for Admission No. 11:

Admit that your VIKING mark is not famous with respect to cooking schools and/or cooking classes.

Request for Admission No. 12:

Admit that your VIKING mark is not famous with respect to wine and food tastings.

Request for Admission No. 13:

Admit that the documents and things you have produced in response to Applicant's First Set of Document Requests to Opposer served herewith are authentic.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
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Betsy Wang Lee

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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. 85/133,778
Trademark: **VIKING RIVER CRUISES**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER** Opposition No.: 91201502

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer produce for inspection and copying each of the documents and things identified below within thirty (30) days after service hereof.

I. DEFINITIONS

The following definitions apply to this first set of document requests:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of document requests:

1. In construing each of these document requests, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or

disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the document request more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. Respond to these document requests by drawing upon all resources to which you have access, or the right of access. The documents requested specifically include, but are not limited to, those documents in your possession, custody or control, or the possession, custody or control of your agents, attorneys and representatives.

4. Where any document is withheld under a claim of privilege, immunity, confidentiality or protection of any kind, state the following for each document: (a) the type of document; (b) the name, occupation and title of all persons who are the source of the document; (c) the name, occupation and title of all persons to whom the document has been disclosed; (d) the date of the document; (e) a description of the subject matter of the document; (f) the number of pages of the document; and (g) the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

III. DOCUMENTS AND THINGS TO BE PRODUCED

Please produce the following documents and things:

1. All documents identified, referred to or depended upon in your responses to Applicant's First Set of Interrogatories to Opposer.

2. If Opposer denies any of the requested admissions set forth in Applicant's First Set of Requests for Admission to Opposer served herewith, produce all documents and things Opposer will rely upon in this proceeding to prove that each such requested admission is untrue.

3. Documents sufficient to describe in detail all products and services sold or intended to be sold under the VIKING mark.

4. All documents which relate to marketing surveys, marketing tests, marketing studies or marketing reports concerning the VIKING mark.

5. All documents which relate to consumer surveys concerning the VIKING mark, including individual questionnaires, pilot studies, and focus groups.

6. All documents which refer to or describe the consumer market to which you sell or distribute and/or intend to sell or distribute your products or services offered under VIKING.

7. All documents relating to the stores, retail outlets, offices or other locations at which you market, promote, sell, or offer your goods or services offered under VIKING.

8. All documents which refer to or describe the channels of trade in which you sell, distribute and/or intend to sell or distribute your products or services offered under VIKING.

9. Documents sufficient to show all geographic territories in which you offer and/or intend to offer goods or services under VIKING.

10. All documents relating to any surveys, studies, communications or memoranda concerning the quality or standard of quality of Opposer's goods or services offered under VIKING, including awards, complaints, and the like concerning quality.

11. All documents constituting or relating to any complaints or investigations regarding any products and/or services offered under the VIKING mark.

12. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with any products or services.

13. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with cooking schools and/or cooking classes.

14. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with wine and food tastings.

15. Representative specimens, currently or formerly used, showing use and/or proposed use of VIKING in commerce in connection with cooking schools, cooking classes, and/or wine and food tastings.

16. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos,

logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark within the last five (5) years.

17. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark in connection with cooking schools, cooking classes, and/or wine and food tastings.

18. All documents which relate to the total volume, in units, of goods and/or services sold by Opposer under VIKING.

19. All documents which relate to the total volume, in dollars, of goods and/or services sold by Opposer under VIKING.

20. All documents relating to the media in which you have advertised or promoted or will advertise or promote your products or services in connection with the VIKING mark, and showing the extent of such advertising or promotion on a quarterly or annual basis within the last five (5) years.

21. All documents relating to the media in which you have advertised or promoted or will advertise or promote your cooking schools, cooking classes, and/or wine and food tasting services in connection with VIKING, and showing the extent of such advertising or promotion on a quarterly or annual basis.

22. All documents relating to your advertising or promotional expenditures for any goods or services offered under VIKING within the last five (5) years.

23. All documents relating to your advertising or promotional expenditures for your cooking schools and/or cooking classes offered under the VIKING mark within the last five (5) years.

24. All documents relating to your advertising or promotional expenditures for your wine and food tasting services offered under the VIKING mark within the last five (5) years.

25. All documents relating to your promotional and marketing plans with respect to VIKING.

26. All documents which relate to Applicant.

27. All documents which relate to VIKING RIVER CRUISES and/or Applicant's services.

28. All communications between you and third parties relating to Applicant, the VIKING RIVER CRUISES mark, and/or Applicant's services.

29. All agreements relating to your VIKING mark, including, but not limited to, licenses, assignments, coexistence agreements, settlement agreements and consent agreements.

30. Documents sufficient to show the price or price range of tuition for or participation in Opposer's cooking schools, cooking classes, and wine and food tastings.

31. Documents sufficient to show the number of cooking schools offered under the VIKING mark and the location of each such school.

32. Documents sufficient to show the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

33. Documents sufficient to show the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

34. Documents sufficient to show the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

35. All documents which relate to any instances where a person has been confused or mistaken as to the origin or sponsorship of any product or service of Opposer marketed or distributed under VIKING.

36. All documents which relate to any instance where a person demonstrated or suggested a belief that any of your products or services marketed or distributed under VIKING are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under VIKING RIVER CRUISES.

37. All documents constituting or relating to communications received by you, including telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or Applicant's services marketed or distributed under VIKING RIVER CRUISES.

38. All cease and desist letters received by you relating to your use of, or efforts to register, VIKING.

39. All documents relating to any litigation or dispute concerning VIKING.

40. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks similar to VIKING used on or in connection with services identical, similar or related to Opposer's products or services.

41. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks that incorporate the term "VIKING" used on or in connection with goods or services identical, similar or related to Opposer's goods or services.

42. All documents which you intend to rely upon, if any, in order to demonstrate that there is a likelihood of confusion between VIKING RIVER CRUISES, on one hand, and VIKING, on the other.

43. All documents which you intend to rely upon, if any, in order to demonstrate that VIKING is a famous mark.

44. All documents which you intend to rely upon, if any, in order to demonstrate that Applicant's VIKING RIVER CRUISES mark would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

45. All documents which you intend to rely upon, if any, in order to support your allegation that Applicant did not have a bona fide intention to use the VIKING RIVER CRUISES mark in commerce with Applicant's services when Applicant filed its application.

46. All documents relating to any travel services, tour services, and/or restaurant services provided by Opposer under the VIKING mark.

47. All documents relating to Opposer's decision to file for wine and food tastings under the VIKING mark.

48. All documents relating to or referring to any facts or opinions as to which any expert witness is expected to testify with respect to the issues in this proceeding, including reports prepared, documents prepared and documents consulted by or on behalf of such witness.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

Attorneys for Applicant
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OHSUSA:261536882.1

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

In the Matter of Application Serial No. 85/136,726
Trademark: **VIKING LEGEND**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S INITIAL DISCLOSURES** Opposition No.: 91201482

Applicant Viking River Cruises (Bermuda) Ltd. ("Viking River Cruises") hereby makes the following initial disclosures to Opposer Viking Range Corporation ("Viking Range") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Trademark Rule §2.120, based on the information reasonably available to Viking River Cruises at this time.

I. PRELIMINARY STATEMENT

1. Viking River Cruises' investigation in this action is continuing. Viking River Cruises reserves the right to supplement and/or amend its disclosures as additional information becomes known to it. Viking River Cruises further reserves the right to supplement and/or amend its disclosures based on additional information obtained through discovery or other means.

2. Viking River Cruises construes the requirements of Rule 26(a) not to require the production of any information or documents protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, or that constitute settlement communications regarding this matter. Viking River Cruises intends to and does assert a

privilege with respect to all such information and documents, and inadvertent disclosure shall not constitute a waiver of any such privilege.

3. Many of the documents in Viking River Cruises' possession may contain trade secrets and/or confidential commercial and/or proprietary information. Viking River Cruises will only produce such documents pursuant to the Trademark Trial and Appeal Board's standard protective order or upon entry of another appropriate order protecting the confidentiality of documents produced by Viking River Cruises.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of individuals that Viking River Cruises may use to support its claims in the subject Opposition. Viking River Cruises is still in the process of identifying the specific individuals that will have information in these categories, but will provide Viking Range with a list of names as soon as it is available.

- Individuals with knowledge concerning Viking River Cruises' selection of VIKING LEGEND.
- Individuals with knowledge concerning Viking River Cruises' trademark application for VIKING LEGEND.
- Individuals with knowledge concerning Viking River Cruises' use or intended use of VIKING LEGEND.
- Individuals with knowledge concerning the services offered or intended to be offered by Viking River Cruises under VIKING LEGEND.

2. The address of Viking River Cruises is Clarendon House, 2 Church Street, Hamilton HM 11, Bermuda. Current employees of Viking River Cruises should only be contacted through counsel for Viking River Cruises in this action.

III. DOCUMENTS THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of documents, data compilations and tangible things that are in Viking River Cruises' possession, custody or control that Viking River Cruises may use to support its claims. Not all documents in these categories are necessarily relevant to this Opposition or support Viking River Cruises' claims.

- Documents concerning Viking River Cruises' selection of VIKING LEGEND.
- Documents concerning Viking River Cruises' trademark application for VIKING LEGEND.
- Documents concerning Viking River Cruises' use or intended use of VIKING LEGEND.
- Documents concerning the services offered or intended to be offered under VIKING LEGEND.

Dated: February 15, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S INITIAL DISCLOSURES** is being served upon counsel for Opposer by First Class Mail on this 13 day of February 2012, by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
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Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

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San Francisco, California 94105
(415) 773-5700

OHSUSA:261537100.1

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

In the Matter of Application Serial No. 85/136,726
Trademark: **VIKING LEGEND**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER** Opposition No.: 91201482

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer produce for inspection and copying each of the documents and things identified below within thirty (30) days after service hereof.

I. DEFINITIONS

The following definitions apply to this first set of document requests:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING LEGEND" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of document requests:

1. In construing each of these document requests, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or

disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the document request more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. Respond to these document requests by drawing upon all resources to which you have access, or the right of access. The documents requested specifically include, but are not limited to, those documents in your possession, custody or control, or the possession, custody or control of your agents, attorneys and representatives.

4. Where any document is withheld under a claim of privilege, immunity, confidentiality or protection of any kind, state the following for each document: (a) the type of document; (b) the name, occupation and title of all persons who are the source of the document; (c) the name, occupation and title of all persons to whom the document has been disclosed; (d) the date of the document; (e) a description of the subject matter of the document; (f) the number of pages of the document; and (g) the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

III. DOCUMENTS AND THINGS TO BE PRODUCED

Please produce the following documents and things:

1. All documents identified, referred to or depended upon in your responses to Applicant's First Set of Interrogatories to Opposer.

2. If Opposer denies any of the requested admissions set forth in Applicant's First Set of Requests for Admission to Opposer served herewith, produce all documents and things Opposer will rely upon in this proceeding to prove that each such requested admission is untrue.

3. Documents sufficient to describe in detail all products and services sold or intended to be sold under the VIKING mark.

4. All documents which relate to marketing surveys, marketing tests, marketing studies or marketing reports concerning the VIKING mark.

5. All documents which relate to consumer surveys concerning the VIKING mark, including individual questionnaires, pilot studies, and focus groups.

6. All documents which refer to or describe the consumer market to which you sell or distribute and/or intend to sell or distribute your products or services offered under VIKING.

7. All documents relating to the stores, retail outlets, offices or other locations at which you market, promote, sell, or offer your goods or services offered under VIKING.

8. All documents which refer to or describe the channels of trade in which you sell, distribute and/or intend to sell or distribute your products or services offered under VIKING.

9. Documents sufficient to show all geographic territories in which you offer and/or intend to offer goods or services under VIKING.

10. All documents relating to any surveys, studies, communications or memoranda concerning the quality or standard of quality of Opposer's goods or services offered under VIKING, including awards, complaints, and the like concerning quality.

11. All documents constituting or relating to any complaints or investigations regarding any products and/or services offered under the VIKING mark.

12. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with any products or services.

13. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with cooking schools and/or cooking classes.

14. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with wine and food tastings.

15. Representative specimens, currently or formerly used, showing use and/or proposed use of VIKING in commerce in connection with cooking schools, cooking classes, and/or wine and food tastings.

16. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos,

logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark within the last five (5) years.

17. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark in connection with cooking schools, cooking classes, and/or wine and food tastings.

18. All documents which relate to the total volume, in units, of goods and/or services sold by Opposer under VIKING.

19. All documents which relate to the total volume, in dollars, of goods and/or services sold by Opposer under VIKING.

20. All documents relating to the media in which you have advertised or promoted or will advertise or promote your products or services in connection with the VIKING mark, and showing the extent of such advertising or promotion on a quarterly or annual basis within the last five (5) years.

21. All documents relating to the media in which you have advertised or promoted or will advertise or promote your cooking schools, cooking classes, and/or wine and food tasting services in connection with VIKING, and showing the extent of such advertising or promotion on a quarterly or annual basis.

22. All documents relating to your advertising or promotional expenditures for any goods or services offered under VIKING within the last five (5) years.

23. All documents relating to your advertising or promotional expenditures for your cooking schools and/or cooking classes offered under the VIKING mark within the last five (5) years.

24. All documents relating to your advertising or promotional expenditures for your wine and food tasting services offered under the VIKING mark within the last five (5) years.

25. All documents relating to your promotional and marketing plans with respect to VIKING.

26. All documents which relate to Applicant.

27. All documents which relate to VIKING LEGEND and/or Applicant's services.

28. All communications between you and third parties relating to Applicant, the VIKING LEGEND mark, and/or Applicant's services.

29. All agreements relating to your VIKING mark, including, but not limited to, licenses, assignments, coexistence agreements, settlement agreements and consent agreements.

30. Documents sufficient to show the price or price range of tuition for or participation in Opposer's cooking schools, cooking classes, and wine and food tastings.

31. Documents sufficient to show the number of cooking schools offered under the VIKING mark and the location of each such school.

32. Documents sufficient to show the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

33. Documents sufficient to show the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

34. Documents sufficient to show the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

35. All documents which relate to any instances where a person has been confused or mistaken as to the origin or sponsorship of any product or service of Opposer marketed or distributed under VIKING.

36. All documents which relate to any instance where a person demonstrated or suggested a belief that any of your products or services marketed or distributed under VIKING are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under VIKING LEGEND.

37. All documents constituting or relating to communications received by you, including telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or Applicant's services marketed or distributed under VIKING LEGEND.

38. All cease and desist letters received by you relating to your use of, or efforts to register, VIKING.

39. All documents relating to any litigation or dispute concerning VIKING.

40. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks similar to VIKING used on or in connection with services identical, similar or related to Opposer's products or services.

41. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks that incorporate the term "VIKING" used on or in connection with goods or services identical, similar or related to Opposer's goods or services.

42. All documents which you intend to rely upon, if any, in order to demonstrate that there is a likelihood of confusion between VIKING LEGEND, on one hand, and VIKING, on the other.

43. All documents which you intend to rely upon, if any, in order to demonstrate that VIKING is a famous mark.

44. All documents which you intend to rely upon, if any, in order to demonstrate that Applicant's VIKING LEGEND mark would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

45. All documents which you intend to rely upon, if any, in order to support your allegation that Applicant did not have a bona fide intention to use the VIKING LEGEND mark in commerce with Applicant's services when Applicant filed its application.

46. All documents relating to any travel services, tour services, and/or restaurant services provided by Opposer under the VIKING mark.

47. All documents relating to Opposer's decision to file for wine and food tastings under the VIKING mark.

48. All documents relating to or referring to any facts or opinions as to which any expert witness is expected to testify with respect to the issues in this proceeding, including reports prepared, documents prepared and documents consulted by or on behalf of such witness.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13th day of February, 2012 by placing the same in an envelope addressed as follows:

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By: Betsy Wang Lee
Betsy Wang Lee

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OHSUSA:261532782.1

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

In the Matter of Application Serial No. 85/136,726
Trademark: **VIKING LEGEND**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** Opposition No.: 91201482

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer answer the following interrogatories under oath within thirty (30) days after service thereof.

I. DEFINITIONS

The following definitions apply to this first set of interrogatories:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its

companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING LEGEND" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of interrogatories:

1. In construing each of these interrogatories, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the interrogatory more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. A request to "identify" or "state with particularity" requires the following information:

A. With respect to a natural person, provide:

1. full name;

2. present or last known business address (including telephone number and email address), occupation and business position or title held; and

3. present or last known residence address (including telephone number and email address).

B. With respect to a firm, corporation, company, partnership, joint venture or other entity which is not a natural person provide:

1. full name;

2. place of incorporation or organization (if any); and

3. principal place of business.

C. With respect to a document, provide:

1. the date of the document;

2. the identity of each person who authorized, signed, created or prepared the document;

3. the identity of each addressee and recipient of the document;

4. the title and subject matter of the document;

5. the number of pages in the document;

6. the identity of the persons having possession, custody, or control of the original copies of the document; and

7. a present location of the document.

D. With respect to a communication, specify the form of the communication. If the communication was in written form, identify the communication in the manner that a document is to be identified under this Paragraph, Paragraph 3, of these initial definitions. If the communication was not in written form, specify:

1. the manner in which the communication was made (e.g., telephone, conversation, speech, etc.);

2. the identity of each person who participated in or witnessed the communication;

3. the subject matter and content of the communication; and

4. the date of the communication.

4. All relevant, non-privileged information which you or your employees possess or control is to be divulged. Should you claim privilege, immunity, confidentiality or protection of any kind with respect to any documents concerning which information is requested by any of the following interrogatories, you shall list such documents and shall identify each document in the manner prescribed by Paragraph 3 of these initial definitions, and additionally shall state the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

5. If, after exercising due diligence to secure the information requested, you cannot respond to a request or any portion thereof in full, so state, answer to the extent possible, specify the reasons you were unable to provide a full and complete answer, and state what information and knowledge you do have concerning the unanswered portion.

6. If, after answering, you acquire additional knowledge or information requested by the following interrogatories, Applicant requests that you serve upon Applicant amended or

supplemental responses in accordance with Fed. R. Civ. P. 26(e), no more than thirty (30) days after you acquire such knowledge or information.

III. INTERROGATORIES

Interrogatory No. 1:

In connection with Opposer's use or intended use of VIKING in United States commerce, state or identify:

a. each and every good and/or service in connection with which VIKING has been used;

b. each and every good and/or service in connection with which VIKING is intended to be used;

c. the date of first use of each good or service with which VIKING has been used;

d. the date of first use of each good or service with which VIKING is intended to be used;

e. Opposer's customers, or intended customers, for each good and/or service sold, or intended to be sold, under VIKING;

f. the total volume, in units, per year, of each good and/or service sold by Opposer under VIKING;

g. the total volume, in dollars, per year, of each good and/or service sold by Opposer under VIKING; and

h. the approximate price at retail charged, or intended to be charged, for each product or service offered under VIKING.

Interrogatory No. 2:

Describe in specific terms the age and income of the consumers to whom you market and/or sell or intend to market and/or sell each of your VIKING products and services.

Interrogatory No. 3:

Describe the characteristics of purchasers of or participants in Opposer's cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark, specifically

identifying the degree of care those purchasers exercise when purchasing these services.

Interrogatory No. 4:

Describe the channels of distribution used by, or intended to be used by, Opposer in connection with the goods and/or services offered under the VIKING mark.

Interrogatory No. 5:

State the total approximate advertising expenditure in the United States made by Opposer on an annual basis to promote the VIKING mark during the past five years.

Interrogatory No. 6:

Identify all media which Opposer has used during the last five years to promote Opposer's goods and/or services offered under the VIKING mark.

Interrogatory No. 7:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with cooking schools and/or cooking classes in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;
c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);
d. where each such advertisement or promotion appeared; and
e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 8:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with wine and food tastings in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 9:

Identify the number of cooking schools offered by Opposer under the VIKING mark and the location of each such school.

Interrogatory No. 10:

Identify the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

Interrogatory No. 11:

Identify the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

Interrogatory No. 12:

Identify the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

Interrogatory No. 13:

State whether Opposer uses or intends to use the VIKING mark in connection with any other entertainment or educational services, excluding cooking schools, cooking classes, and wine and food tastings.

Interrogatory No. 14:

Identify the date on which you first became aware of Applicant's VIKING LEGEND mark.

Interrogatory No. 15:

Describe the circumstances under which you first became aware of Applicant's VIKING LEGEND mark, including, but not limited to, the person or persons who first acquired such

knowledge and how it was acquired.

Interrogatory No. 16:

Identify the date on which Opposer first became aware of Applicant's trademark application for the VIKING LEGEND mark.

Interrogatory No. 17:

Describe the circumstances under which Opposer first became aware of Applicant's trademark application for the VIKING LEGEND mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 18:

Identify the date on which Opposer made the decision to challenge Applicant's trademark application for the VIKING LEGEND mark.

Interrogatory No. 19:

Identify all persons involved in Opposer's decision to oppose Applicant's trademark application for the VIKING LEGEND mark.

Interrogatory No. 20:

Identify any instances of which you are aware in which any person has been confused or mistaken or claimed to be confused or mistaken as to the origin or sponsorship of any goods or services marketed or distributed under the VIKING mark as compared to the VIKING LEGEND mark.

Interrogatory No. 21:

Identify any instances of which you are aware in which any person has demonstrated or suggested a belief that any of your cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under the VIKING LEGEND mark.

Interrogatory No. 22:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING and VIKING LEGEND are confusing with respect to entertainment and education services in the nature of live dance and musical performances; entertainment services, namely, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes.

Interrogatory No. 23:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING is a famous trademark.

Interrogatory No. 24:

State the date on which you contend the VIKING mark became a famous trademark.

Interrogatory No. 25:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING LEGEND would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

Interrogatory No. 26:

State whether you use VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 27:

State whether you promote VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 28:

Identify any communications received by Opposer, including, but not limited to, telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or the VIKING LEGEND mark.

Interrogatory No. 29:

Do you license or are you intending to license the VIKING mark or otherwise allow a third party to use the VIKING mark? If yes, identify the companies or entities to whom you have or will license the VIKING mark or otherwise have or will allow to use the VIKING mark.

Interrogatory No. 30:

Identify all persons who have held or are presently performing the functions for Opposer listed below, and for each such person indicate the dates during which the position was held:

a. Manager or Director of Marketing

b. Manager or Director of Sales

c. Attorney or other person advising you on this opposition

Interrogatory No. 31:

Identify each witness, including experts, whose testimony Opposer intends to rely upon in this proceeding.

Interrogatory No. 32:

Identify all persons (other than clerical personnel) who participated in any way in providing responses to these interrogatories.

Interrogatory No. 33:

If Opposer has denied any of Applicant's First Set of Requests for Admission to Opposer, state the basis for such denial.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
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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. 85/136,726
Trademark: **VIKING LEGEND**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER** Opposition No.: 91201482

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant hereby requests that Opposer respond by admitting under oath the truthfulness of the matters set forth in each of the following Requests for Admission within thirty (30) days after service thereof.

I. DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this first set of requests for admission:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary,

affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING LEGEND" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that you do not own exclusive trademark rights to use of the term "VIKING."

Request for Admission No. 2:

Admit that there are other third parties using the term "VIKING" as part of their trademarks.

Request for Admission No. 3:

Admit that your cooking schools and cooking classes are not offered on cruise ships.

Request for Admission No. 4:

Admit that your wine and food tastings are not offered on cruise ships.

Request for Admission No. 5:

Admit that your cooking schools, cooking classes, and/or wine and food tastings promote VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 6:

Admit that your cooking schools, cooking classes, and/or wine and food tastings utilize VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 7:

Admit that you have not used the VIKING mark in connection with providing a cooking school and cooking classes prior to January 2004.

Request for Admission No. 8:

Admit that you have not used the VIKING mark in connection with wine and food tastings prior to 1999.

Request for Admission No. 9:

Admit that your wine and food tasting services are only offered in connection with your cooking classes and/or cooking schools.

Request for Admission No. 10:

Admit that customers of Opposer's cooking schools, cooking classes, and/or wine and food tastings must register for the classes and/or tastings in advance by contacting a Viking Cooking School or enrolling online through Opposer's website.

Request for Admission No. 11:

Admit that your VIKING mark is not famous with respect to cooking schools and/or cooking classes.

Request for Admission No. 12:

Admit that your VIKING mark is not famous with respect to wine and food tastings.

Request for Admission No. 13:

Admit that the documents and things you have produced in response to Applicant's First Set of Document Requests to Opposer served herewith are authentic.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 6, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

Attorneys for Applicant
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, California 94105
(415) 773-5700

OHSUSA:261532780.1

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

In the Matter of Application Serial No. 85/136,505
Trademark: **VIKING RIVER CRUISES & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S INITIAL DISCLOSURES** Opposition No.: 91201504

Applicant Viking River Cruises (Bermuda) Ltd. ("Viking River Cruises") hereby makes the following initial disclosures to Opposer Viking Range Corporation ("Viking Range") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Trademark Rule §2.120, based on the information reasonably available to Viking River Cruises at this time.

I. PRELIMINARY STATEMENT

1. Viking River Cruises' investigation in this action is continuing. Viking River Cruises reserves the right to supplement and/or amend its disclosures as additional information becomes known to it. Viking River Cruises further reserves the right to supplement and/or amend its disclosures based on additional information obtained through discovery or other means.

2. Viking River Cruises construes the requirements of Rule 26(a) not to require the production of any information or documents protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, or that constitute settlement communications regarding this matter. Viking River Cruises intends to and does assert a

privilege with respect to all such information and documents, and inadvertent disclosure shall not constitute a waiver of any such privilege.

3. Many of the documents in Viking River Cruises' possession may contain trade secrets and/or confidential commercial and/or proprietary information. Viking River Cruises will only produce such documents pursuant to the Trademark Trial and Appeal Board's standard protective order or upon entry of another appropriate order protecting the confidentiality of documents produced by Viking River Cruises.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of individuals that Viking River Cruises may use to support its claims in the subject Opposition. Viking River Cruises is still in the process of identifying the specific individuals that will have information in these categories, but will provide Viking Range with a list of names as soon as it is available.

- Individuals with knowledge concerning Viking River Cruises' selection of VIKING RIVER CRUISES & Design.
- Individuals with knowledge concerning Viking River Cruises' trademark application for VIKING RIVER CRUISES & Design.
- Individuals with knowledge concerning Viking River Cruises' use or intended use of VIKING RIVER CRUISES & Design.
- Individuals with knowledge concerning the services offered or intended to be offered by Viking River Cruises under VIKING RIVER CRUISES & Design.

2. The address of Viking River Cruises is Clarendon House, 2 Church Street, Hamilton HM 11, Bermuda. Current employees of Viking River Cruises should only be contacted through counsel for Viking River Cruises in this action.

III. DOCUMENTS THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of documents, data compilations and tangible things that are in Viking River Cruises' possession, custody or control that Viking River Cruises may use to support its claims. Not all documents in these categories are necessarily relevant to this Opposition or support Viking River Cruises' claims.

- Documents concerning Viking River Cruises' selection of VIKING RIVER CRUISES & Design.
- Documents concerning Viking River Cruises' trademark application for VIKING RIVER CRUISES & Design.
- Documents concerning Viking River Cruises' use or intended use of VIKING RIVER CRUISES & Design.
- Documents concerning the services offered or intended to be offered under VIKING RIVER CRUISES & Design.

Dated: February 13, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S INITIAL DISCLOSURES** is being served upon counsel for Opposer by First Class Mail on this 13th day of February 2012, by placing the same in an envelope addressed as follows:

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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. 85/136,505
Trademark: **VIKING RIVER CRUISES & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER** Opposition No.: 91201504

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer produce for inspection and copying each of the documents and things identified below within thirty (30) days after service hereof.

I. DEFINITIONS

The following definitions apply to this first set of document requests:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES & Design" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of document requests:

1. In construing each of these document requests, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or

disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the document request more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. Respond to these document requests by drawing upon all resources to which you have access, or the right of access. The documents requested specifically include, but are not limited to, those documents in your possession, custody or control, or the possession, custody or control of your agents, attorneys and representatives.

4. Where any document is withheld under a claim of privilege, immunity, confidentiality or protection of any kind, state the following for each document: (a) the type of document; (b) the name, occupation and title of all persons who are the source of the document; (c) the name, occupation and title of all persons to whom the document has been disclosed; (d) the date of the document; (e) a description of the subject matter of the document; (f) the number of pages of the document; and (g) the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

III. DOCUMENTS AND THINGS TO BE PRODUCED

Please produce the following documents and things:

1. All documents identified, referred to or depended upon in your responses to Applicant's First Set of Interrogatories to Opposer.

2. If Opposer denies any of the requested admissions set forth in Applicant's First Set of Requests for Admission to Opposer served herewith, produce all documents and things Opposer will rely upon in this proceeding to prove that each such requested admission is untrue.

3. Documents sufficient to describe in detail all products and services sold or intended to be sold under the VIKING mark.

4. All documents which relate to marketing surveys, marketing tests, marketing studies or marketing reports concerning the VIKING mark.

5. All documents which relate to consumer surveys concerning the VIKING mark, including individual questionnaires, pilot studies, and focus groups.

6. All documents which refer to or describe the consumer market to which you sell or distribute and/or intend to sell or distribute your products or services offered under VIKING.

7. All documents relating to the stores, retail outlets, offices or other locations at which you market, promote, sell, or offer your goods or services offered under VIKING.

8. All documents which refer to or describe the channels of trade in which you sell, distribute and/or intend to sell or distribute your products or services offered under VIKING.

9. Documents sufficient to show all geographic territories in which you offer and/or intend to offer goods or services under VIKING.

10. All documents relating to any surveys, studies, communications or memoranda concerning the quality or standard of quality of Opposer's goods or services offered under VIKING, including awards, complaints, and the like concerning quality.

11. All documents constituting or relating to any complaints or investigations regarding any products and/or services offered under the VIKING mark.

12. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with any products or services.

13. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with cooking schools and/or cooking classes.

14. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with wine and food tastings.

15. Representative specimens, currently or formerly used, showing use and/or proposed use of VIKING in commerce in connection with cooking schools, cooking classes, and/or wine and food tastings.

16. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos,

logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark within the last five (5) years.

17. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark in connection with cooking schools, cooking classes, and/or wine and food tastings.

18. All documents which relate to the total volume, in units, of goods and/or services sold by Opposer under VIKING.

19. All documents which relate to the total volume, in dollars, of goods and/or services sold by Opposer under VIKING.

20. All documents relating to the media in which you have advertised or promoted or will advertise or promote your products or services in connection with the VIKING mark, and showing the extent of such advertising or promotion on a quarterly or annual basis within the last five (5) years.

21. All documents relating to the media in which you have advertised or promoted or will advertise or promote your cooking schools, cooking classes, and/or wine and food tasting services in connection with VIKING, and showing the extent of such advertising or promotion on a quarterly or annual basis.

22. All documents relating to your advertising or promotional expenditures for any goods or services offered under VIKING within the last five (5) years.

23. All documents relating to your advertising or promotional expenditures for your cooking schools and/or cooking classes offered under the VIKING mark within the last five (5) years.

24. All documents relating to your advertising or promotional expenditures for your wine and food tasting services offered under the VIKING mark within the last five (5) years.

25. All documents relating to your promotional and marketing plans with respect to VIKING.

26. All documents which relate to Applicant.

27. All documents which relate to VIKING RIVER CRUISES & Design and/or Applicant's services.

28. All communications between you and third parties relating to Applicant, the VIKING RIVER CRUISES & Design mark, and/or Applicant's services.

29. All agreements relating to your VIKING mark, including, but not limited to, licenses, assignments, coexistence agreements, settlement agreements and consent agreements.

30. Documents sufficient to show the price or price range of tuition for or participation in Opposer's cooking schools, cooking classes, and wine and food tastings.

31. Documents sufficient to show the number of cooking schools offered under the VIKING mark and the location of each such school.

32. Documents sufficient to show the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

33. Documents sufficient to show the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

34. Documents sufficient to show the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

35. All documents which relate to any instances where a person has been confused or mistaken as to the origin or sponsorship of any product or service of Opposer marketed or distributed under VIKING.

36. All documents which relate to any instance where a person demonstrated or suggested a belief that any of your products or services marketed or distributed under VIKING are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under VIKING RIVER CRUISES & Design.

37. All documents constituting or relating to communications received by you, including telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or Applicant's services marketed or distributed under VIKING RIVER CRUISES & Design.

38. All cease and desist letters received by you relating to your use of, or efforts to register, VIKING.

39. All documents relating to any litigation or dispute concerning VIKING.

40. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks similar to VIKING used on or in connection with services identical, similar or related to Opposer's products or services.

41. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks that incorporate the term "VIKING" used on or in connection with goods or services identical, similar or related to Opposer's goods or services.

42. All documents which you intend to rely upon, if any, in order to demonstrate that there is a likelihood of confusion between VIKING RIVER CRUISES & Design, on one hand, and VIKING, on the other.

43. All documents which you intend to rely upon, if any, in order to demonstrate that VIKING is a famous mark.

44. All documents which you intend to rely upon, if any, in order to demonstrate that Applicant's VIKING RIVER CRUISES & Design mark would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

45. All documents which you intend to rely upon, if any, in order to support your allegation that Applicant did not have a bona fide intention to use the VIKING RIVER CRUISES & Design mark in commerce with Applicant's services when Applicant filed its application.

46. All documents relating to any travel services, tour services, and/or restaurant services provided by Opposer under the VIKING mark.

47. All documents relating to Opposer's decision to file for wine and food tastings under the VIKING mark.

48. All documents relating to or referring to any facts or opinions as to which any expert witness is expected to testify with respect to the issues in this proceeding, including reports prepared, documents prepared and documents consulted by or on behalf of such witness.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
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Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

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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. 85/136,505
Trademark: **VIKING RIVER CRUISES & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** Opposition No.: 91201504

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer answer the following interrogatories under oath within thirty (30) days after service thereof.

I. DEFINITIONS

The following definitions apply to this first set of interrogatories:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its

companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES & Design" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of interrogatories:

1. In construing each of these interrogatories, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the interrogatory more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. A request to "identify" or "state with particularity" requires the following information:

A. With respect to a natural person, provide:

1. full name;

2. present or last known business address (including telephone number and email address), occupation and business position or title held; and

3. present or last known residence address (including telephone number and email address).

B. With respect to a firm, corporation, company, partnership, joint venture or other entity which is not a natural person provide:

1. full name;

2. place of incorporation or organization (if any); and

3. principal place of business.

C. With respect to a document, provide:

1. the date of the document;

2. the identity of each person who authorized, signed, created or prepared the document;

3. the identity of each addressee and recipient of the document;

4. the title and subject matter of the document;

5. the number of pages in the document;

6. the identity of the persons having possession, custody, or control of the original copies of the document; and

7. a present location of the document.

D. With respect to a communication, specify the form of the communication. If the communication was in written form, identify the communication in the manner that a document is to be identified under this Paragraph, Paragraph 3, of these initial definitions. If the communication was not in written form, specify:

1. the manner in which the communication was made (e.g., telephone, conversation, speech, etc.);

2. the identity of each person who participated in or witnessed the communication;

3. the subject matter and content of the communication; and

4. the date of the communication.

4. All relevant, non-privileged information which you or your employees possess or control is to be divulged. Should you claim privilege, immunity, confidentiality or protection of any kind with respect to any documents concerning which information is requested by any of the following interrogatories, you shall list such documents and shall identify each document in the manner prescribed by Paragraph 3 of these initial definitions, and additionally shall state the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

5. If, after exercising due diligence to secure the information requested, you cannot respond to a request or any portion thereof in full, so state, answer to the extent possible, specify the reasons you were unable to provide a full and complete answer, and state what information and knowledge you do have concerning the unanswered portion.

6. If, after answering, you acquire additional knowledge or information requested by the following interrogatories, Applicant requests that you serve upon Applicant amended or

supplemental responses in accordance with Fed. R. Civ. P. 26(e), no more than thirty (30) days after you acquire such knowledge or information.

III. INTERROGATORIES

Interrogatory No. 1:

In connection with Opposer's use or intended use of VIKING in United States commerce, state or identify:

a. each and every good and/or service in connection with which VIKING has been used;

b. each and every good and/or service in connection with which VIKING is intended to be used;

c. the date of first use of each good or service with which VIKING has been used;

d. the date of first use of each good or service with which VIKING is intended to be used;

e. Opposer's customers, or intended customers, for each good and/or service sold, or intended to be sold, under VIKING;

f. the total volume, in units, per year, of each good and/or service sold by Opposer under VIKING;

g. the total volume, in dollars, per year, of each good and/or service sold by Opposer under VIKING; and

h. the approximate price at retail charged, or intended to be charged, for each product or service offered under VIKING.

Interrogatory No. 2:

Describe in specific terms the age and income of the consumers to whom you market and/or sell or intend to market and/or sell each of your VIKING products and services.

Interrogatory No. 3:

Describe the characteristics of purchasers of or participants in Opposer's cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark, specifically

identifying the degree of care those purchasers exercise when purchasing these services.

Interrogatory No. 4:

Describe the channels of distribution used by, or intended to be used by, Opposer in connection with the goods and/or services offered under the VIKING mark.

Interrogatory No. 5:

State the total approximate advertising expenditure in the United States made by Opposer on an annual basis to promote the VIKING mark during the past five years.

Interrogatory No. 6:

Identify all media which Opposer has used during the last five years to promote Opposer's goods and/or services offered under the VIKING mark.

Interrogatory No. 7:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with cooking schools and/or cooking classes in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;

b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 8:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with wine and food tastings in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;

b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 9:

Identify the number of cooking schools offered by Opposer under the VIKING mark and the location of each such school.

Interrogatory No. 10:

Identify the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

Interrogatory No. 11:

Identify the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

Interrogatory No. 12:

Identify the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

Interrogatory No. 13:

State whether Opposer uses or intends to use the VIKING mark in connection with any other entertainment or educational services, excluding cooking schools, cooking classes, and wine and food tastings.

Interrogatory No. 14:

Identify the date on which you first became aware of Applicant's VIKING RIVER CRUISES & Design mark.

Interrogatory No. 15:

Describe the circumstances under which you first became aware of Applicant's VIKING

RIVER CRUISES & Design mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 16:

Identify the date on which Opposer first became aware of Applicant's trademark application for the VIKING RIVER CRUISES & Design mark.

Interrogatory No. 17:

Describe the circumstances under which Opposer first became aware of Applicant's trademark application for the VIKING RIVER CRUISES & Design mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 18:

Identify the date on which Opposer made the decision to challenge Applicant's trademark application for the VIKING RIVER CRUISES & Design mark.

Interrogatory No. 19:

Identify all persons involved in Opposer's decision to oppose Applicant's trademark application for the VIKING RIVER CRUISES & Design mark.

Interrogatory No. 20:

Identify any instances of which you are aware in which any person has been confused or mistaken or claimed to be confused or mistaken as to the origin or sponsorship of any goods or services marketed or distributed under the VIKING mark as compared to the VIKING RIVER CRUISES & Design mark.

Interrogatory No. 21:

Identify any instances of which you are aware in which any person has demonstrated or suggested a belief that any of your cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under the VIKING RIVER CRUISES & Design mark.

Interrogatory No. 22:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING and VIKING RIVER CRUISES & Design are confusing with respect to entertainment and education services in the nature of live dance and musical performances; entertainment services, namely, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes.

Interrogatory No. 23:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING is a famous trademark.

Interrogatory No. 24:

State the date on which you contend the VIKING mark became a famous trademark.

Interrogatory No. 25:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING RIVER CRUISES & Design would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

Interrogatory No. 26:

State whether you use VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 27:

State whether you promote VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 28:

Identify any communications received by Opposer, including, but not limited to, telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or the VIKING RIVER CRUISES & Design mark.

Interrogatory No. 29:

Do you license or are you intending to license the VIKING mark or otherwise allow a third party to use the VIKING mark? If yes, identify the companies or entities to whom you have or will license the VIKING mark or otherwise have or will allow to use the VIKING mark.

Interrogatory No. 30:

Identify all persons who have held or are presently performing the functions for Opposer listed below, and for each such person indicate the dates during which the position was held:

a. Manager or Director of Marketing

b. Manager or Director of Sales

c. Attorney or other person advising you on this opposition

Interrogatory No. 31:

Identify each witness, including experts, whose testimony Opposer intends to rely upon in this proceeding.

Interrogatory No. 32:

Identify all persons (other than clerical personnel) who participated in any way in providing responses to these interrogatories.

Interrogatory No. 33:

If Opposer has denied any of Applicant's First Set of Requests for Admission to Opposer, state the basis for such denial.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
Betsy Wang Lee

Attorneys for Applicant
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
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(415) 773-5700

OHSUSA:261536665.1

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

In the Matter of Application Serial No. 85/136,505
Trademark: **VIKING RIVER CRUISES & Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER** Opposition No.: 91201504

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant hereby requests that Opposer respond by admitting under oath the truthfulness of the matters set forth in each of the following Requests for Admission within thirty (30) days after service thereof.

I. DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this first set of requests for admission:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary,

affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING RIVER CRUISES & Design" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®", or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that you do not own exclusive trademark rights to use of the term "VIKING."

Request for Admission No. 2:

Admit that there are other third parties using the term "VIKING" as part of their trademarks.

Request for Admission No. 3:

Admit that your cooking schools and cooking classes are not offered on cruise ships.

Request for Admission No. 4:

Admit that your wine and food tastings are not offered on cruise ships.

Request for Admission No. 5:

Admit that your cooking schools, cooking classes, and/or wine and food tastings promote VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 6:

Admit that your cooking schools, cooking classes, and/or wine and food tastings utilize VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 7:

Admit that you have not used the VIKING mark in connection with providing a cooking school and cooking classes prior to January 2004.

Request for Admission No. 8:

Admit that you have not used the VIKING mark in connection with wine and food tastings prior to 1999.

Request for Admission No. 9:

Admit that your wine and food tasting services are only offered in connection with your cooking classes and/or cooking schools.

Request for Admission No. 10:

Admit that customers of Opposer's cooking schools, cooking classes, and/or wine and food tastings must register for the classes and/or tastings in advance by contacting a Viking Cooking School or enrolling online through Opposer's website.

Request for Admission No. 11:

Admit that your VIKING mark is not famous with respect to cooking schools and/or cooking classes.

Request for Admission No. 12:

Admit that your VIKING mark is not famous with respect to wine and food tastings.

Request for Admission No. 13:

Admit that the documents and things you have produced in response to Applicant's First Set of Document Requests to Opposer served herewith are authentic.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
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Atlanta, Georgia 30363-1017

By: _____
Betsy Wang Lee

Attorneys for Applicant
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(415) 773-5700

OHSUSA:261536517.1

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

In the Matter of Application Serial No. 85/136,552
Trademark: **VIKING TOURS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S INITIAL DISCLOSURES** Opposition No.: 91201506

Applicant Viking River Cruises (Bermuda) Ltd. ("Viking River Cruises") hereby makes the following initial disclosures to Opposer Viking Range Corporation ("Viking Range") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Trademark Rule §2.120, based on the information reasonably available to Viking River Cruises at this time.

I. PRELIMINARY STATEMENT

1. Viking River Cruises' investigation in this action is continuing. Viking River Cruises reserves the right to supplement and/or amend its disclosures as additional information becomes known to it. Viking River Cruises further reserves the right to supplement and/or amend its disclosures based on additional information obtained through discovery or other means.

2. Viking River Cruises construes the requirements of Rule 26(a) not to require the production of any information or documents protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, or that constitute settlement communications regarding this matter. Viking River Cruises intends to and does assert a

privilege with respect to all such information and documents, and inadvertent disclosure shall not constitute a waiver of any such privilege.

3. Many of the documents in Viking River Cruises' possession may contain trade secrets and/or confidential commercial and/or proprietary information. Viking River Cruises will only produce such documents pursuant to the Trademark Trial and Appeal Board's standard protective order or upon entry of another appropriate order protecting the confidentiality of documents produced by Viking River Cruises.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of individuals that Viking River Cruises may use to support its claims in the subject Opposition. Viking River Cruises is still in the process of identifying the specific individuals that will have information in these categories, but will provide Viking Range with a list of names as soon as it is available.

- Individuals with knowledge concerning Viking River Cruises' selection of VIKING TOURS.
- Individuals with knowledge concerning Viking River Cruises' trademark application for VIKING TOURS.
- Individuals with knowledge concerning Viking River Cruises' use or intended use of VIKING TOURS.
- Individuals with knowledge concerning the services offered or intended to be offered by Viking River Cruises under VIKING TOURS.

2. The address of Viking River Cruises is Clarendon House, 2 Church Street, Hamilton HM 11, Bermuda. Current employees of Viking River Cruises should only be contacted through counsel for Viking River Cruises in this action.

III. DOCUMENTS THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of documents, data compilations and tangible things that are in Viking River Cruises' possession, custody or control that Viking River Cruises may use to support its claims. Not all documents in these categories are necessarily relevant to this Opposition or support Viking River Cruises' claims.

- Documents concerning Viking River Cruises' selection of VIKING TOURS.
- Documents concerning Viking River Cruises' trademark application for VIKING TOURS.
- Documents concerning Viking River Cruises' use or intended use of VIKING TOURS.
- Documents concerning the services offered or intended to be offered under VIKING TOURS.

Dated: February 3, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S INITIAL DISCLOSURES** is being served upon counsel for Opposer by First Class Mail on this 13th day of February 2012, by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
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Atlanta, Georgia 30363-1017

By: _____
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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. 85/136,552
Trademark: **VIKING TOURS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER** Opposition No.: 91201506

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer produce for inspection and copying each of the documents and things identified below within thirty (30) days after service hereof.

I. DEFINITIONS

The following definitions apply to this first set of document requests:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING TOURS" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of document requests:

1. In construing each of these document requests, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or

disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the document request more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. Respond to these document requests by drawing upon all resources to which you have access, or the right of access. The documents requested specifically include, but are not limited to, those documents in your possession, custody or control, or the possession, custody or control of your agents, attorneys and representatives.

4. Where any document is withheld under a claim of privilege, immunity, confidentiality or protection of any kind, state the following for each document: (a) the type of document; (b) the name, occupation and title of all persons who are the source of the document; (c) the name, occupation and title of all persons to whom the document has been disclosed; (d) the date of the document; (e) a description of the subject matter of the document; (f) the number of pages of the document; and (g) the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

III. DOCUMENTS AND THINGS TO BE PRODUCED

Please produce the following documents and things:

1. All documents identified, referred to or depended upon in your responses to Applicant's First Set of Interrogatories to Opposer.

2. If Opposer denies any of the requested admissions set forth in Applicant's First Set of Requests for Admission to Opposer served herewith, produce all documents and things Opposer will rely upon in this proceeding to prove that each such requested admission is untrue.

3. Documents sufficient to describe in detail all products and services sold or intended to be sold under the VIKING mark.

4. All documents which relate to marketing surveys, marketing tests, marketing studies or marketing reports concerning the VIKING mark.

5. All documents which relate to consumer surveys concerning the VIKING mark, including individual questionnaires, pilot studies, and focus groups.

6. All documents which refer to or describe the consumer market to which you sell or distribute and/or intend to sell or distribute your products or services offered under VIKING.

7. All documents relating to the stores, retail outlets, offices or other locations at which you market, promote, sell, or offer your goods or services offered under VIKING.

8. All documents which refer to or describe the channels of trade in which you sell, distribute and/or intend to sell or distribute your products or services offered under VIKING.

9. Documents sufficient to show all geographic territories in which you offer and/or intend to offer goods or services under VIKING.

10. All documents relating to any surveys, studies, communications or memoranda concerning the quality or standard of quality of Opposer's goods or services offered under VIKING, including awards, complaints, and the like concerning quality.

11. All documents constituting or relating to any complaints or investigations regarding any products and/or services offered under the VIKING mark.

12. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with any products or services.

13. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with cooking schools and/or cooking classes.

14. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with wine and food tastings.

15. Representative specimens, currently or formerly used, showing use and/or proposed use of VIKING in commerce in connection with cooking schools, cooking classes, and/or wine and food tastings.

16. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos,

logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark within the last five (5) years.

17. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark in connection with cooking schools, cooking classes, and/or wine and food tastings.

18. All documents which relate to the total volume, in units, of goods and/or services sold by Opposer under VIKING.

19. All documents which relate to the total volume, in dollars, of goods and/or services sold by Opposer under VIKING.

20. All documents relating to the media in which you have advertised or promoted or will advertise or promote your products or services in connection with the VIKING mark, and showing the extent of such advertising or promotion on a quarterly or annual basis within the last five (5) years.

21. All documents relating to the media in which you have advertised or promoted or will advertise or promote your cooking schools, cooking classes, and/or wine and food tasting services in connection with VIKING, and showing the extent of such advertising or promotion on a quarterly or annual basis.

22. All documents relating to your advertising or promotional expenditures for any goods or services offered under VIKING within the last five (5) years.

23. All documents relating to your advertising or promotional expenditures for your cooking schools and/or cooking classes offered under the VIKING mark within the last five (5) years.

24. All documents relating to your advertising or promotional expenditures for your wine and food tasting services offered under the VIKING mark within the last five (5) years.

25. All documents relating to your promotional and marketing plans with respect to VIKING.

26. All documents which relate to Applicant.

27. All documents which relate to VIKING TOURS and/or Applicant's services.

28. All communications between you and third parties relating to Applicant, the VIKING TOURS mark, and/or Applicant's services.

29. All agreements relating to your VIKING mark, including, but not limited to, licenses, assignments, coexistence agreements, settlement agreements and consent agreements.

30. Documents sufficient to show the price or price range of tuition for or participation in Opposer's cooking schools, cooking classes, and wine and food tastings.

31. Documents sufficient to show the number of cooking schools offered under the VIKING mark and the location of each such school.

32. Documents sufficient to show the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

33. Documents sufficient to show the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

34. Documents sufficient to show the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

35. All documents which relate to any instances where a person has been confused or mistaken as to the origin or sponsorship of any product or service of Opposer marketed or distributed under VIKING.

36. All documents which relate to any instance where a person demonstrated or suggested a belief that any of your products or services marketed or distributed under VIKING are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under VIKING TOURS.

37. All documents constituting or relating to communications received by you, including telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or Applicant's services marketed or distributed under VIKING TOURS.

38. All cease and desist letters received by you relating to your use of, or efforts to register, VIKING.

39. All documents relating to any litigation or dispute concerning VIKING.

40. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks similar to VIKING used on or in connection with services identical, similar or related to Opposer's products or services.

41. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks that incorporate the term "VIKING" used on or in connection with goods or services identical, similar or related to Opposer's goods or services.

42. All documents which you intend to rely upon, if any, in order to demonstrate that there is a likelihood of confusion between VIKING TOURS, on one hand, and VIKING, on the other.

43. All documents which you intend to rely upon, if any, in order to demonstrate that VIKING is a famous mark.

44. All documents which you intend to rely upon, if any, in order to demonstrate that Applicant's VIKING TOURS mark would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

45. All documents which you intend to rely upon, if any, in order to support your allegation that Applicant did not have a bona fide intention to use the VIKING TOURS mark in commerce with Applicant's services when Applicant filed its application.

46. All documents relating to any travel services, tour services, and/or restaurant services provided by Opposer under the VIKING mark.

47. All documents relating to Opposer's decision to file for wine and food tastings under the VIKING mark.

48. All documents relating to or referring to any facts or opinions as to which any expert witness is expected to testify with respect to the issues in this proceeding, including reports prepared, documents prepared and documents consulted by or on behalf of such witness.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
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By: Betsy Wang Lee
Betsy Wang Lee

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OHSUSA:261536894.1

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

In the Matter of Application Serial No. 85/136,552
Trademark: **VIKING TOURS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** Opposition No.: 91201506

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer answer the following interrogatories under oath within thirty (30) days after service thereof.

I. DEFINITIONS

The following definitions apply to this first set of interrogatories:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING TOURS" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of interrogatories:

1. In construing each of these interrogatories, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the interrogatory more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. A request to "identify" or "state with particularity" requires the following information:

A. With respect to a natural person, provide:

1. full name;

2. present or last known business address (including telephone number and email address), occupation and business position or title held; and

3. present or last known residence address (including telephone number and email address).

B. With respect to a firm, corporation, company, partnership, joint venture or other entity which is not a natural person provide:

1. full name;

2. place of incorporation or organization (if any); and

3. principal place of business.

C. With respect to a document, provide:

1. the date of the document;

2. the identity of each person who authorized, signed, created or prepared the document;

3. the identity of each addressee and recipient of the document;

4. the title and subject matter of the document;

5. the number of pages in the document;

6. the identity of the persons having possession, custody, or control of the original copies of the document; and

7. a present location of the document.

D. With respect to a communication, specify the form of the communication. If the communication was in written form, identify the communication in the manner that a document is to be identified under this Paragraph, Paragraph 3, of these initial definitions. If the communication was not in written form, specify:

1. the manner in which the communication was made (e.g., telephone, conversation, speech, etc.);

2. the identity of each person who participated in or witnessed the communication;

3. the subject matter and content of the communication; and

4. the date of the communication.

4. All relevant, non-privileged information which you or your employees possess or control is to be divulged. Should you claim privilege, immunity, confidentiality or protection of any kind with respect to any documents concerning which information is requested by any of the following interrogatories, you shall list such documents and shall identify each document in the manner prescribed by Paragraph 3 of these initial definitions, and additionally shall state the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

5. If, after exercising due diligence to secure the information requested, you cannot respond to a request or any portion thereof in full, so state, answer to the extent possible, specify the reasons you were unable to provide a full and complete answer, and state what information and knowledge you do have concerning the unanswered portion.

6. If, after answering, you acquire additional knowledge or information requested by the following interrogatories, Applicant requests that you serve upon Applicant amended or

supplemental responses in accordance with Fed. R. Civ. P. 26(e), no more than thirty (30) days after you acquire such knowledge or information.

III. INTERROGATORIES

Interrogatory No. 1:

In connection with Opposer's use or intended use of VIKING in United States commerce, state or identify:

a. each and every good and/or service in connection with which VIKING has been used;

b. each and every good and/or service in connection with which VIKING is intended to be used;

c. the date of first use of each good or service with which VIKING has been used;

d. the date of first use of each good or service with which VIKING is intended to be used;

e. Opposer's customers, or intended customers, for each good and/or service sold, or intended to be sold, under VIKING;

f. the total volume, in units, per year, of each good and/or service sold by Opposer under VIKING;

g. the total volume, in dollars, per year, of each good and/or service sold by Opposer under VIKING; and

h. the approximate price at retail charged, or intended to be charged, for each product or service offered under VIKING.

Interrogatory No. 2:

Describe in specific terms the age and income of the consumers to whom you market and/or sell or intend to market and/or sell each of your VIKING products and services.

Interrogatory No. 3:

Describe the characteristics of purchasers of or participants in Opposer's cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark, specifically

identifying the degree of care those purchasers exercise when purchasing these services.

Interrogatory No. 4:

Describe the channels of distribution used by, or intended to be used by, Opposer in connection with the goods and/or services offered under the VIKING mark.

Interrogatory No. 5:

State the total approximate advertising expenditure in the United States made by Opposer on an annual basis to promote the VIKING mark during the past five years.

Interrogatory No. 6:

Identify all media which Opposer has used during the last five years to promote Opposer's goods and/or services offered under the VIKING mark.

Interrogatory No. 7:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with cooking schools and/or cooking classes in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;

b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 8:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with wine and food tastings in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;

b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 9:

Identify the number of cooking schools offered by Opposer under the VIKING mark and the location of each such school.

Interrogatory No. 10:

Identify the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

Interrogatory No. 11:

Identify the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

Interrogatory No. 12:

Identify the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

Interrogatory No. 13:

State whether Opposer uses or intends to use the VIKING mark in connection with any other entertainment or educational services, excluding cooking schools, cooking classes, and wine and food tastings.

Interrogatory No. 14:

Identify the date on which you first became aware of Applicant's VIKING TOURS mark.

Interrogatory No. 15:

Describe the circumstances under which you first became aware of Applicant's VIKING TOURS mark, including, but not limited to, the person or persons who first acquired such

knowledge and how it was acquired.

Interrogatory No. 16:

Identify the date on which Opposer first became aware of Applicant's trademark application for the VIKING TOURS mark.

Interrogatory No. 17:

Describe the circumstances under which Opposer first became aware of Applicant's trademark application for the VIKING TOURS mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 18:

Identify the date on which Opposer made the decision to challenge Applicant's trademark application for the VIKING TOURS mark.

Interrogatory No. 19:

Identify all persons involved in Opposer's decision to oppose Applicant's trademark application for the VIKING TOURS mark.

Interrogatory No. 20:

Identify any instances of which you are aware in which any person has been confused or mistaken or claimed to be confused or mistaken as to the origin or sponsorship of any goods or services marketed or distributed under the VIKING mark as compared to the VIKING TOURS mark.

Interrogatory No. 21:

Identify any instances of which you are aware in which any person has demonstrated or suggested a belief that any of your cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under the VIKING TOURS mark.

Interrogatory No. 22:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING and VIKING TOURS are confusing with respect to entertainment and education services in the nature of live dance and musical performances; entertainment services, namely, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes

Interrogatory No. 23:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING is a famous trademark.

Interrogatory No. 24:

State the date on which you contend the VIKING mark became a famous trademark.

Interrogatory No. 25:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING TOURS would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

Interrogatory No. 26:

State whether you use VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 27:

State whether you promote VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 28:

Identify any communications received by Opposer, including, but not limited to, telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or the VIKING TOURS mark.

Interrogatory No. 29:

Do you license or are you intending to license the VIKING mark or otherwise allow a third party to use the VIKING mark? If yes, identify the companies or entities to whom you have or will license the VIKING mark or otherwise have or will allow to use the VIKING mark.

Interrogatory No. 30:

Identify all persons who have held or are presently performing the functions for Opposer listed below, and for each such person indicate the dates during which the position was held:

a. Manager or Director of Marketing

b. Manager or Director of Sales

c. Attorney or other person advising you on this opposition

Interrogatory No. 31:

Identify each witness, including experts, whose testimony Opposer intends to rely upon in this proceeding.

Interrogatory No. 32:

Identify all persons (other than clerical personnel) who participated in any way in providing responses to these interrogatories.

Interrogatory No. 33:

If Opposer has denied any of Applicant's First Set of Requests for Admission to Opposer, state the basis for such denial.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 8, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
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271 17th Street, NW
Suite 2400
Atlanta, Georgia 30363-1017

By: Betsy Wang Lee
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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. 85/136,552
Trademark: **VIKING TOURS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER** Opposition No.: 91201506

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant hereby requests that Opposer respond by admitting under oath the truthfulness of the matters set forth in each of the following Requests for Admission within thirty (30) days after service thereof.

I. DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this first set of requests for admission:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary,

affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING TOURS" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that you do not own exclusive trademark rights to use of the term "VIKING."

Request for Admission No. 2:

Admit that there are other third parties using the term "VIKING" as part of their trademarks.

Request for Admission No. 3:

Admit that your cooking schools and cooking classes are not offered on cruise ships.

Request for Admission No. 4:

Admit that your wine and food tastings are not offered on cruise ships.

Request for Admission No. 5:

Admit that your cooking schools, cooking classes, and/or wine and food tastings promote VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 6:

Admit that your cooking schools, cooking classes, and/or wine and food tastings utilize VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 7:

Admit that you have not used the VIKING mark in connection with providing a cooking school and cooking classes prior to January 2004.

Request for Admission No. 8:

Admit that you have not used the VIKING mark in connection with wine and food tastings prior to 1999.

Request for Admission No. 9:

Admit that your wine and food tasting services are only offered in connection with your cooking classes and/or cooking schools.

Request for Admission No. 10:

Admit that customers of Opposer's cooking schools, cooking classes, and/or wine and food tastings must register for the classes and/or tastings in advance by contacting a Viking Cooking School or enrolling online through Opposer's website.

Request for Admission No. 11:

Admit that your VIKING mark is not famous with respect to cooking schools and/or cooking classes.

Request for Admission No. 12:

Admit that your VIKING mark is not famous with respect to wine and food tastings.

Request for Admission No. 13:

Admit that the documents and things you have produced in response to Applicant's First Set of Document Requests to Opposer served herewith are authentic.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
Marcy L. Sperry
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By: Betsy Wang Lee
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OHSUSA:261536534.1

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

In the Matter of Application Serial No. 85/276,774
Trademark: **VIKING LONGSHIPS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S INITIAL DISCLOSURES** Opposition No.: 91201512

Applicant Viking River Cruises (Bermuda) Ltd. ("Viking River Cruises") hereby makes the following initial disclosures to Opposer Viking Range Corporation ("Viking Range") pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Trademark Rule §2.120, based on the information reasonably available to Viking River Cruises at this time.

I. PRELIMINARY STATEMENT

1. Viking River Cruises' investigation in this action is continuing. Viking River Cruises reserves the right to supplement and/or amend its disclosures as additional information becomes known to it. Viking River Cruises further reserves the right to supplement and/or amend its disclosures based on additional information obtained through discovery or other means.

2. Viking River Cruises construes the requirements of Rule 26(a) not to require the production of any information or documents protected by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, or that constitute settlement communications regarding this matter. Viking River Cruises intends to and does assert a

privilege with respect to all such information and documents, and inadvertent disclosure shall not constitute a waiver of any such privilege.

3. Many of the documents in Viking River Cruises' possession may contain trade secrets and/or confidential commercial and/or proprietary information. Viking River Cruises will only produce such documents pursuant to the Trademark Trial and Appeal Board's standard protective order or upon entry of another appropriate order protecting the confidentiality of documents produced by Viking River Cruises.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of individuals that Viking River Cruises may use to support its claims in the subject Opposition. Viking River Cruises is still in the process of identifying the specific individuals that will have information in these categories, but will provide Viking Range with a list of names as soon as it is available.

- Individuals with knowledge concerning Viking River Cruises' selection of VIKING LONGSHIPS.
- Individuals with knowledge concerning Viking River Cruises' trademark application for VIKING LONGSHIPS.
- Individuals with knowledge concerning Viking River Cruises' use or intended use of VIKING LONGSHIPS.
- Individuals with knowledge concerning the services offered or intended to be offered by Viking River Cruises under VIKING LONGSHIPS.

2. The address of Viking River Cruises is Clarendon House, 2 Church Street, Hamilton HM 11, Bermuda. Current employees of Viking River Cruises should only be contacted through counsel for Viking River Cruises in this action.

III. DOCUMENTS THAT VIKING RIVER CRUISES MAY USE TO SUPPORT ITS CLAIMS.

1. The following are categories of documents, data compilations and tangible things that are in Viking River Cruises' possession, custody or control that Viking River Cruises may use to support its claims. Not all documents in these categories are necessarily relevant to this Opposition or support Viking River Cruises' claims.

- Documents concerning Viking River Cruises' selection of VIKING LONGSHIPS.
- Documents concerning Viking River Cruises' trademark application for VIKING LONGSHIPS.
- Documents concerning Viking River Cruises' use or intended use of VIKING LONGSHIPS.
- Documents concerning the services offered or intended to be offered under VIKING LONGSHIPS.

Dated: February 13, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, CA 94105
(415) 773-5700

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S INITIAL DISCLOSURES** is being served upon counsel for Opposer by First Class Mail on this 13th day of February 2012, by placing the same in an envelope addressed as follows:

Sarah Anne Keefe
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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. 85/276,774
Trademark: **VIKING LONGSHIPS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER** Opposition No.: 91201512

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer produce for inspection and copying each of the documents and things identified below within thirty (30) days after service hereof.

I. DEFINITIONS

The following definitions apply to this first set of document requests:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under

its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING LONGSHIPS" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of document requests:

1. In construing each of these document requests, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or

disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the document request more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. Respond to these document requests by drawing upon all resources to which you have access, or the right of access. The documents requested specifically include, but are not limited to, those documents in your possession, custody or control, or the possession, custody or control of your agents, attorneys and representatives.

4. Where any document is withheld under a claim of privilege, immunity, confidentiality or protection of any kind, state the following for each document: (a) the type of document; (b) the name, occupation and title of all persons who are the source of the document; (c) the name, occupation and title of all persons to whom the document has been disclosed; (d) the date of the document; (e) a description of the subject matter of the document; (f) the number of pages of the document; and (g) the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

III. DOCUMENTS AND THINGS TO BE PRODUCED

Please produce the following documents and things:

1. All documents identified, referred to or depended upon in your responses to Applicant's First Set of Interrogatories to Opposer.

2. If Opposer denies any of the requested admissions set forth in Applicant's First Set of Requests for Admission to Opposer served herewith, produce all documents and things Opposer will rely upon in this proceeding to prove that each such requested admission is untrue.

3. Documents sufficient to describe in detail all products and services sold or intended to be sold under the VIKING mark.

4. All documents which relate to marketing surveys, marketing tests, marketing studies or marketing reports concerning the VIKING mark.

5. All documents which relate to consumer surveys concerning the VIKING mark, including individual questionnaires, pilot studies, and focus groups.

6. All documents which refer to or describe the consumer market to which you sell or distribute and/or intend to sell or distribute your products or services offered under VIKING.

7. All documents relating to the stores, retail outlets, offices or other locations at which you market, promote, sell, or offer your goods or services offered under VIKING.

8. All documents which refer to or describe the channels of trade in which you sell, distribute and/or intend to sell or distribute your products or services offered under VIKING.

9. Documents sufficient to show all geographic territories in which you offer and/or intend to offer goods or services under VIKING.

10. All documents relating to any surveys, studies, communications or memoranda concerning the quality or standard of quality of Opposer's goods or services offered under VIKING, including awards, complaints, and the like concerning quality.

11. All documents constituting or relating to any complaints or investigations regarding any products and/or services offered under the VIKING mark.

12. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with any products or services.

13. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with cooking schools and/or cooking classes.

14. All documents relating to the first use and first use in interstate commerce, if any, of VIKING in connection with wine and food tastings.

15. Representative specimens, currently or formerly used, showing use and/or proposed use of VIKING in commerce in connection with cooking schools, cooking classes, and/or wine and food tastings.

16. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos,

logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark within the last five (5) years.

17. Specimens of all current or prospective advertisements, promotional materials, point of sale materials, and business forms, including, but not limited to, catalogs, sales sheets, logos, logo designs, brochures, mailings, price lists, and stationery showing the VIKING mark in connection with cooking schools, cooking classes, and/or wine and food tastings.

18. All documents which relate to the total volume, in units, of goods and/or services sold by Opposer under VIKING.

19. All documents which relate to the total volume, in dollars, of goods and/or services sold by Opposer under VIKING.

20. All documents relating to the media in which you have advertised or promoted or will advertise or promote your products or services in connection with the VIKING mark, and showing the extent of such advertising or promotion on a quarterly or annual basis within the last five (5) years.

21. All documents relating to the media in which you have advertised or promoted or will advertise or promote your cooking schools, cooking classes, and/or wine and food tasting services in connection with VIKING, and showing the extent of such advertising or promotion on a quarterly or annual basis.

22. All documents relating to your advertising or promotional expenditures for any goods or services offered under VIKING within the last five (5) years.

23. All documents relating to your advertising or promotional expenditures for your cooking schools and/or cooking classes offered under the VIKING mark within the last five (5) years.

24. All documents relating to your advertising or promotional expenditures for your wine and food tasting services offered under the VIKING mark within the last five (5) years.

25. All documents relating to your promotional and marketing plans with respect to VIKING.

26. All documents which relate to Applicant.

27. All documents which relate to VIKING LONGSHIPS and/or Applicant's services.

28. All communications between you and third parties relating to Applicant, the VIKING LONGSHIPS mark, and/or Applicant's services.

29. All agreements relating to your VIKING mark, including, but not limited to, licenses, assignments, coexistence agreements, settlement agreements and consent agreements.

30. Documents sufficient to show the price or price range of tuition for or participation in Opposer's cooking schools, cooking classes, and wine and food tastings.

31. Documents sufficient to show the number of cooking schools offered under the VIKING mark and the location of each such school.

32. Documents sufficient to show the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

33. Documents sufficient to show the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

34. Documents sufficient to show the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

35. All documents which relate to any instances where a person has been confused or mistaken as to the origin or sponsorship of any product or service of Opposer marketed or distributed under VIKING.

36. All documents which relate to any instance where a person demonstrated or suggested a belief that any of your products or services marketed or distributed under VIKING are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under VIKING LONGSHIPS.

37. All documents constituting or relating to communications received by you, including telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or Applicant's services marketed or distributed under VIKING LONGSHIPS.

38. All cease and desist letters received by you relating to your use of, or efforts to register, VIKING.

39. All documents relating to any litigation or dispute concerning VIKING.

40. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks similar to VIKING used on or in connection with services identical, similar or related to Opposer's products or services.

41. All documents relating to any third party uses, applications or registrations (or your knowledge thereof) of any marks that incorporate the term "VIKING" used on or in connection with goods or services identical, similar or related to Opposer's goods or services.

42. All documents which you intend to rely upon, if any, in order to demonstrate that there is a likelihood of confusion between VIKING LONGSHIPS, on one hand, and VIKING, on the other.

43. All documents which you intend to rely upon, if any, in order to demonstrate that VIKING is a famous mark.

44. All documents which you intend to rely upon, if any, in order to demonstrate that Applicant's VIKING LONGSHIPS mark would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

45. All documents which you intend to rely upon, if any, in order to support your allegation that Applicant did not have a bona fide intention to use the VIKING LONGSHIPS mark in commerce with Applicant's services when Applicant filed its application.

46. All documents relating to any travel services, tour services, and/or restaurant services provided by Opposer under the VIKING mark.

47. All documents relating to Opposer's decision to file for wine and food tastings under the VIKING mark.

48. All documents relating to or referring to any facts or opinions as to which any expert witness is expected to testify with respect to the issues in this proceeding, including reports prepared, documents prepared and documents consulted by or on behalf of such witness.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

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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. 85/276,774
Trademark: **VIKING LONGSHIPS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** Opposition No.: 91201512

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Applicant hereby requests that Opposer answer the following interrogatories under oath within thirty (30) days after service thereof.

I. DEFINITIONS

The following definitions apply to this first set of interrogatories:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary, affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its

companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING LONGSHIPS" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

II. INSTRUCTIONS

The following instructions apply to this first set of interrogatories:

1. In construing each of these interrogatories, the singular form of a word shall be interpreted in the plural and vice versa, the words "and" and "or" shall be construed conjunctively or disjunctively, and verb tenses shall be interpreted to include past, present and future tenses, whichever meaning makes the interrogatory more inclusive.

2. Any pronoun shall be construed to refer to the masculine, feminine, or neutral gender, in singular or plural, as in each case is most appropriate.

3. A request to "identify" or "state with particularity" requires the following information:

A. With respect to a natural person, provide:

1. full name;

2. present or last known business address (including telephone number and email address), occupation and business position or title held; and

3. present or last known residence address (including telephone number and email address).

B. With respect to a firm, corporation, company, partnership, joint venture or other entity which is not a natural person provide:

1. full name;

2. place of incorporation or organization (if any); and

3. principal place of business.

C. With respect to a document, provide:

1. the date of the document;

2. the identity of each person who authorized, signed, created or prepared the document;

3. the identity of each addressee and recipient of the document;

4. the title and subject matter of the document;

5. the number of pages in the document;

6. the identity of the persons having possession, custody, or control of the original copies of the document; and

7. a present location of the document.

D. With respect to a communication, specify the form of the communication. If the communication was in written form, identify the communication in the manner that a document is to be identified under this Paragraph, Paragraph 3, of these initial definitions. If the communication was not in written form, specify:

1. the manner in which the communication was made (e.g., telephone, conversation, speech, etc.);

2. the identity of each person who participated in or witnessed the communication;

3. the subject matter and content of the communication; and

4. the date of the communication.

4. All relevant, non-privileged information which you or your employees possess or control is to be divulged. Should you claim privilege, immunity, confidentiality or protection of any kind with respect to any documents concerning which information is requested by any of the following interrogatories, you shall list such documents and shall identify each document in the manner prescribed by Paragraph 3 of these initial definitions, and additionally shall state the specific type of privilege or protection claimed as a basis for withholding the document and the grounds on which the claim of privilege rests.

5. If, after exercising due diligence to secure the information requested, you cannot respond to a request or any portion thereof in full, so state, answer to the extent possible, specify the reasons you were unable to provide a full and complete answer, and state what information and knowledge you do have concerning the unanswered portion.

6. If, after answering, you acquire additional knowledge or information requested by the following interrogatories, Applicant requests that you serve upon Applicant amended or

supplemental responses in accordance with Fed. R. Civ. P. 26(e), no more than thirty (30) days after you acquire such knowledge or information.

III. INTERROGATORIES

Interrogatory No. 1:

In connection with Opposer's use or intended use of VIKING in United States commerce, state or identify:

a. each and every good and/or service in connection with which VIKING has been used;

b. each and every good and/or service in connection with which VIKING is intended to be used;

c. the date of first use of each good or service with which VIKING has been used;

d. the date of first use of each good or service with which VIKING is intended to be used;

e. Opposer's customers, or intended customers, for each good and/or service sold, or intended to be sold, under VIKING;

f. the total volume, in units, per year, of each good and/or service sold by Opposer under VIKING;

g. the total volume, in dollars, per year, of each good and/or service sold by Opposer under VIKING; and

h. the approximate price at retail charged, or intended to be charged, for each product or service offered under VIKING.

Interrogatory No. 2:

Describe in specific terms the age and income of the consumers to whom you market and/or sell or intend to market and/or sell each of your VIKING products and services.

Interrogatory No. 3:

Describe the characteristics of purchasers of or participants in Opposer's cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark, specifically

identifying the degree of care those purchasers exercise when purchasing these services.

Interrogatory No. 4:

Describe the channels of distribution used by, or intended to be used by, Opposer in connection with the goods and/or services offered under the VIKING mark.

Interrogatory No. 5:

State the total approximate advertising expenditure in the United States made by Opposer on an annual basis to promote the VIKING mark during the past five years.

Interrogatory No. 6:

Identify all media which Opposer has used during the last five years to promote Opposer's goods and/or services offered under the VIKING mark.

Interrogatory No. 7:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with cooking schools and/or cooking classes in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;
c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);
d. where each such advertisement or promotion appeared; and
e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 8:

State whether, within the last five (5) years, Opposer has advertised or otherwise promoted the VIKING mark in connection with wine and food tastings in the United States, and, if the answer is in the affirmative, set forth and/or identify:

a. each such advertisement or promotion;
b. the date of each such advertisement or promotion;

c. the nature of each such advertisement or promotion (e.g., print, radio, catalog, and/or Internet);

d. where each such advertisement or promotion appeared; and

e. the total dollar amount expended by Opposer in connection with such advertisements or promotions.

Interrogatory No. 9:

Identify the number of cooking schools offered by Opposer under the VIKING mark and the location of each such school.

Interrogatory No. 10:

Identify the number of cooking classes that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such classes.

Interrogatory No. 11:

Identify the number of wine and food tastings that were provided under the VIKING mark on an annual basis during the past five years and the location(s) of such wine and food tastings.

Interrogatory No. 12:

Identify the number of people who have attended or participated in (a) Opposer's cooking schools, (b) Opposer's cooking classes, and (c) Opposer's wine and food tastings for each year for the past five years.

Interrogatory No. 13:

State whether Opposer uses or intends to use the VIKING mark in connection with any other entertainment or educational services, excluding cooking schools, cooking classes, and wine and food tastings.

Interrogatory No. 14:

Identify the date on which you first became aware of Applicant's VIKING LONGSHIPS mark.

Interrogatory No. 15:

Describe the circumstances under which you first became aware of Applicant's VIKING

LONGSHIPS mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 16:

Identify the date on which Opposer first became aware of Applicant's trademark application for the VIKING LONGSHIPS mark.

Interrogatory No. 17:

Describe the circumstances under which Opposer first became aware of Applicant's trademark application for the VIKING LONGSHIPS mark, including, but not limited to, the person or persons who first acquired such knowledge and how it was acquired.

Interrogatory No. 18:

Identify the date on which Opposer made the decision to challenge Applicant's trademark application for the VIKING LONGSHIPS mark.

Interrogatory No. 19:

Identify all persons involved in Opposer's decision to oppose Applicant's trademark application for the VIKING LONGSHIPS mark.

Interrogatory No. 20:

Identify any instances of which you are aware in which any person has been confused or mistaken or claimed to be confused or mistaken as to the origin or sponsorship of any goods or services marketed or distributed under the VIKING mark as compared to the VIKING LONGSHIPS mark.

Interrogatory No. 21:

Identify any instances of which you are aware in which any person has demonstrated or suggested a belief that any of your cooking schools, cooking classes, and/or wine and food tastings offered under the VIKING mark are or were in any way associated with or related to Applicant or Applicant's services marketed or distributed under the VIKING LONGSHIPS mark.

Interrogatory No. 22:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING and VIKING LONGSHIPS are confusing with respect to entertainment and education services in the nature of live dance and musical performances; entertainment services, namely, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes.

Interrogatory No. 23:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING is a famous trademark.

Interrogatory No. 24:

State the date on which you contend the VIKING mark became a famous trademark.

Interrogatory No. 25:

State and describe in detail all facts, including any documents, that form the basis of your contention that VIKING LONGSHIPS would lessen the capacity of Opposer's VIKING mark to identify and distinguish Opposer's goods and services offered and sold thereunder, and, as such, would dilute the VIKING mark.

Interrogatory No. 26:

State whether you use VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 27:

State whether you promote VIKING brand appliances, cookware, and/or cutlery at your cooking schools, cooking classes, and/or wine and food tastings.

Interrogatory No. 28:

Identify any communications received by Opposer, including, but not limited to, telephone calls, letters, emails, invoices and other forms of communication, that relate to Applicant or the VIKING LONGSHIPS mark.

Interrogatory No. 29:

Do you license or are you intending to license the VIKING mark or otherwise allow a third party to use the VIKING mark? If yes, identify the companies or entities to whom you have or will license the VIKING mark or otherwise have or will allow to use the VIKING mark.

Interrogatory No. 30:

Identify all persons who have held or are presently performing the functions for Opposer listed below, and for each such person indicate the dates during which the position was held:

a. Manager or Director of Marketing

b. Manager or Director of Sales

c. Attorney or other person advising you on this opposition

Interrogatory No. 31:

Identify each witness, including experts, whose testimony Opposer intends to rely upon in this proceeding.

Interrogatory No. 32:

Identify all persons (other than clerical personnel) who participated in any way in providing responses to these interrogatories.

Interrogatory No. 33:

If Opposer has denied any of Applicant's First Set of Requests for Admission to Opposer, state the basis for such denial.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 13, 2012

By: _____

Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

Attorneys for Applicant
405 Howard Street
San Francisco, California 94105
(415) 773-5700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13 th day of February, 2012 by placing the same in an envelope addressed as follows:

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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. 85/276,774
Trademark: **VIKING LONGSHIPS**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER** Opposition No.: 91201512

PROPOUNDING PARTY: Applicant Viking River Cruises (Bermuda) Ltd.

RESPONDING PARTY: Opposer Viking Range Corporation

SET NO.: One

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant hereby requests that Opposer respond by admitting under oath the truthfulness of the matters set forth in each of the following Requests for Admission within thirty (30) days after service thereof.

I. DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this first set of requests for admission:

1. "Viking River Cruises" or "Applicant" means Viking River Cruises (Bermuda) Ltd., its officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary,

affiliate or parent company thereof, and those persons in active concert or participation with it or them.

2. "Opposer," "you" or "your" means Opposer Viking Range Corporation, its companies, officers, directors, employees, counsel, agents, representatives, or other persons under its control, any predecessor or successor whether incorporated or not, any division, subsidiary or affiliate thereof, and those persons in active concert or participation with it or them.

3. "Communication" means any contact, oral or written, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

4. "Document" shall refer to all items within the scope of Rule 34, Federal Rules of Civil Procedure.

5. "Person" shall refer to any individual, corporation, proprietorship, partnership, association, joint venture, government agency or other entity.

5. "Relating to," "related to," "relate to" or "refer to" means reflecting, describing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in full or in part.

6. "VIKING LONGSHIPS" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device, or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

7. "VIKING" includes all variations thereof, including, but not limited to, variations in which not all of the mark's letters are capitalized, variations in which the mark is combined with a design, logo or device or with other terms such as "TASTE LIFE" or "KITCHEN," or with a superscript such as "TM," "Tm," "tm" or "®" or any other variation intended to convey that it is a trademark.

8. The terms "trademark" and "mark" include any trademark, service mark, trade name, collective mark or certification mark, as defined by 15 U.S.C. § 1127.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

Admit that you do not own exclusive trademark rights to use of the term "VIKING."

Request for Admission No. 2:

Admit that there are other third parties using the term "VIKING" as part of their trademarks.

Request for Admission No. 3:

Admit that your cooking schools and cooking classes are not offered on cruise ships.

Request for Admission No. 4:

Admit that your wine and food tastings are not offered on cruise ships.

Request for Admission No. 5:

Admit that your cooking schools, cooking classes, and/or wine and food tastings promote VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 6:

Admit that your cooking schools, cooking classes, and/or wine and food tastings utilize VIKING brand appliances, cookware, and/or cutlery.

Request for Admission No. 7:

Admit that you have not used the VIKING mark in connection with providing a cooking school and cooking classes prior to January 2004.

Request for Admission No. 8:

Admit that you have not used the VIKING mark in connection with wine and food tastings prior to 1999.

Request for Admission No. 9:

Admit that your wine and food tasting services are only offered in connection with your cooking classes and/or cooking schools.

Request for Admission No. 10:

Admit that customers of Opposer's cooking schools, cooking classes, and/or wine and food tastings must register for the classes and/or tastings in advance by contacting a Viking Cooking School or enrolling online through Opposer's website.

Request for Admission No. 11:

Admit that your VIKING mark is not famous with respect to cooking schools and/or cooking classes.

Request for Admission No. 12:

Admit that your VIKING mark is not famous with respect to wine and food tastings.

Request for Admission No. 13:

Admit that the documents and things you have produced in response to Applicant's First Set of Document Requests to Opposer served herewith are authentic.

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: February 3, 2012

By: _____
Beth M. Goldman
Chelseaa Bush
Betsy Wang Lee

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER is being served upon counsel for Opposer by First Class Mail, on this 13th day of February, 2012 by placing the same in an envelope addressed as follows:

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EXHIBIT B

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

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	Opposition No. 91201502 Opposition No. 91201506 Opposition No. 91201504 Opposition No. 91201512 Opposition No. 91201495 Opposition No. 91201501 Opposition No. 91201482

OPPOSER'S MOTION TO CONSOLIDATE PROCEEDINGS AND MEMORANDUM OF LAW IN SUPPORT THEREOF

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and Section 511 of the Trademark Trial and Appeal Board Manual of Procedure, Viking Range Corporation ("Opposer"), moves to consolidate the seven above-captioned proceedings ("the Oppositions") for purposes of trial and pre-trial proceedings, and reset times for discovery and testimony periods.

The following table summarizes the trademark applications (the "Applications"), which are the subject of the Oppositions referenced above.

Mark and Serial Number	**Description of Goods and Services**	**Opposition Number**
VIKING (Serial No. 85/133,747)	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano	91201495

	recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
VIKING RIVER CRUISES (Serial No. 85/133,778)	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	91201502
VIKING TOURS (Serial No. 85/136,552)	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and	91201506

	education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT & Design (Serial No. 85/136,757) VIKING RIVER CRUISES *Exploring the World in Comfort*	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	91201501
VIKING RIVER CRUISES & Design (Serial No. 85/136,505) VIKING RIVER CRUISES	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano	91201504

	recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	
VIKING LEGEND (Serial No. 85/136,726)	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	91201482
VIKING LONGSHIPS (Serial No. 85/276,774)	IC 41: Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, stage shows, nightclub shows, variety and comedy shows, and	91201512

	theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting cooking classes, and lectures, and seminars in the fields of music, theatre, and film; video arcade services; libraries; in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes	

In support of this Motion, Opposer states the following:

1. The parties to the Oppositions are the same;
2. The marks at issue in the Oppositions all share the term VIKING;
3. The marks at issue in the Oppositions are substantially similar and produce a similar commercial impression;
4. The services at issue in the Oppositions are identical or are substantially related;
5. The pleadings in the Oppositions are nearly identical;
6. The legal and factual issues in the Oppositions are the same;
7. Applicant has served nearly identical discovery requests in the Oppositions;
8. As all of the Oppositions are either in the pre-discovery or initial discovery phase, Opposer would not expect consolidation to cause prejudice or inconvenience to Applicant;
9. Because common issues of law and fact are involved in the Oppositions, consolidation will save the Board and the parties time, effort, and expense.

ARGUMENT

I. CONSOLIDATION STANDARD

Under Rule 42(a) of the Federal Rules of Civil Procedure, consolidation is proper when actions involve "a common question of law or fact." Fed. R. Civ. P. 42(a); *see also S. Industries Inc. v. Lamb-Weston Inc.*, 45 USPQ2d 1293, 1297 (TTAB 1997) (both proceedings involved the same mark and virtually identical pleadings); *Ritchie v. Simpson*, 41 USPQ2d 1859 (TTAB 1996), rev'd on other grounds, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999) (cases consolidated despite variations in marks and goods). The decision to consolidate proceedings rests within the discretion of the Board. TBMP § 511. In deciding whether to consolidate, the Board weighs "the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby." *Id.*

II. CONSOLIDATION IS PROPER BECAUSE THE OPPOSITIONS INVOLVE COMMON QUESTIONS OF LAW AND FACT.

The issues in the Oppositions are substantially identical. The parties in all the Oppositions are the same. Applicant's marks at issue in the Oppositions all contain the term VIKING and are all for identical or substantially related services. In each Opposition, Opposer relies on the identical applications and registrations for the mark VIKING ("Opposer's Marks"), and asserts the same claims. Specifically, the Notice of Opposition for each case alleges that Applicant's marks are likely to cause confusion and to dilute the distinctive quality of Opposer's Marks, and that Applicant lacked a bona fide intent to use Applicant's marks in commerce at the time Applicant filed its Applications. The Answers in each Opposition are nearly identical. While Applicant has served a counterclaim in Opposition No. 91201495 seeking to cancel Opposer's Registration No. 3,326,880 for the mark VIKING, this counterclaim and Opposer's Answer again involve nearly identical issues of law and fact as the other pending Oppositions.

The parties held the discovery conference for all seven of the Oppositions on February 13, 2012. During the conference, Opposer's counsel requested consent to consolidation of the Oppositions but Applicant's counsel refused to consent at that time. The discovery period has opened for six of the seven oppositions. Of these six oppositions in the discovery period, Applicant has served virtually identical initial disclosures, interrogatories, document requests, and admission requests, indicating that Applicant considers the issues involved in the Oppositions to be the same. In fact, the only difference in the 18 sets of discovery requests that Applicant has served are references to Applicant's mark at issue in each particular Opposition. Otherwise, the 18 sets of discovery requests are identical and ask for the very same information and documents. In view of the substantially identical grounds for opposition in all pending proceedings, common questions of law and fact are involved in each proceeding. Accordingly, consolidation will result in savings in time, effort and expense. Finally, Opposer is aware of no reason why consolidation would cause prejudice or inconvenience to Applicant.

III. CONCLUSION

Consolidation of the Oppositions is appropriate due to the substantial commonality of factual and legal issues in the proceedings. Because the Oppositions involve the same parties, similar marks, and similar claims, consolidation will streamline the issues and avoid unnecessary costs and delays. Therefore, pursuant to TBMP Section 511 and Rule 42(a) of the Federal Rules of Civil Procedure, Opposer respectfully requests that the Board grant consolidation of the Oppositions. Opposer also requests that the Board suspend all proceedings until the Board rules on this motion. Following the disposition of this motion, Opposer requests that the discovery and testimony periods be reset to allow the parties to complete discovery and to take testimony in these proceedings under a single, consolidated opposition. In particular, Opposer requests that the discovery and remaining opposition deadlines be reset pursuant to the schedule for

Opposition No. 91201495. Finally, Opposer requests that the Board require Applicant to re-serve its discovery requests in the single consolidated Opposition within the discovery period as set forth in Opposition No. 91201495.

This 23rd day of February, 2012.

Respectfully submitted,

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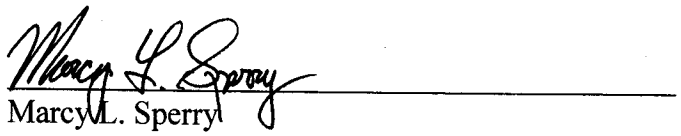
Attorneys for Opposer, Viking Range Corporation

CERTIFICATE OF MAILING

I do hereby certify that on February 23, 2012, I filed via electronic means (ESTTA) this MOTION TO CONSOLIDATE with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

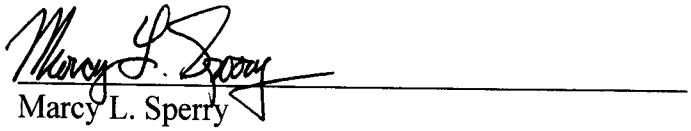


Marcy L. Sperry

CERTIFICATE OF SERVICE

I do hereby certify that on February 23, 2012, I mailed by United States mail, first class postage prepaid, a true and correct copy of this MOTION TO CONSOLIDATE to:

Beth M. Goldman
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, California 94105



Marcy L. Sperry

EXHIBIT C

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

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	Opposition No. 91201502 Opposition No. 91201506 Opposition No. 91201504 Opposition No. 91201512 Opposition No. 91201495 Opposition No. 91201501 Opposition No. 91201482

OPPOSER'S MOTION TO SUSPEND OPPOSITIONS

Pursuant to 37 C.F.R. § 2.117 and TBMP § 510, Viking Range Corporation ("Opposer") moves to suspend the above-captioned oppositions (the "Oppositions") or, in the alternative, moves to suspend all discovery in the Oppositions pending the Board's ruling on Opposer's Motion to Consolidate the Oppositions.

The Board may suspend oppositions "for good cause upon motion or upon stipulation of the parties." TBMP § 510.03(a). Opposer moves for suspension for good cause during the pendency of Opposer's Motion to Consolidate. Because the Oppositions involve common questions of law and fact, Opposer has sought to consolidate the Oppositions to save the Board and the parties time, effort, and expense. In this case, the discovery period recently opened in six of the seven opposition proceedings. On February 13, 2012, Applicant served Opposer via first class mail with six virtually identical sets of initial disclosures as well as six virtually identical sets of interrogatories, six virtually identical sets of document requests, and six virtually identical sets of admission requests (the "Discovery Requests"). Applicant received the Discovery

Requests and initial disclosures on or around February 17, 2012. In total, Applicant served Opposer with 18 sets of Discovery Requests, which included interrogatories, document requests, and admission requests that were nearly identical.

Because the consolidation of the Oppositions will result in a new discovery schedule, and will likely require Applicant to re-serve discovery requests in a single consolidated opposition, Applicant requests that the Board stay all discovery until the Board has ruled on Opposer's Motion to Consolidate. The stay will prevent the unnecessary expense and time required in preparing and serving duplicative responses to Applicant's 18 sets of Discovery Requests. Applicant will not consent to suspend the time for Opposer to respond to Applicant's Discovery Requests. However, Applicant stated that it is willing to consent to suspend the remainder of the proceedings while the Motion to Consolidate is decided.

Therefore, Opposer respectfully requests that the Board grant its Motion to Suspend the Oppositions. Opposer also respectfully requests that the Board suspend the time for serving Opposer's Responses to Applicant's Discovery Requests until thirty (30) days after the Board's ruling on Opposer's Motion to Consolidate or pursuant to the discovery schedule as determined by the Board's order on consolidation.

This 23rd day of February, 2012.

Respectfully submitted,

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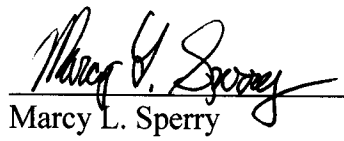
Attorneys for Opposer, Viking Range Corporation

CERTIFICATE OF MAILING

I do hereby certify that on February 23, 2012, I filed via electronic means (ESTTA) this MOTION TO SUSPEND with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451



Marcy L. Sperry

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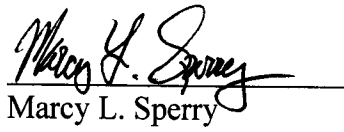

Marcy L. Sperry