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Filing date: **12/28/2012**

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

Proceeding	91201920
Party	Defendant Citiair, LLC
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE W STE 151 VIENNA, VA 22180-5612 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Defendant's Notice of Reliance
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	12/28/2012
Attachments	Citiair's First NOR.pdf (29 pages)(1346651 bytes) Citiar's 2nd NOR without Exhibits.pdf (3 pages)(78743 bytes)

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Applicant

Responses in the event Applicant asserts an interpretation that differs from Opposer's interpretation.

4. By making these Responses, Opposer does not concede that it is in possession of any information responsive to any particular Interrogatory or that any Response given is relevant to this action.

5. Because Opposer may not have discovered all the information that is possibly within the scope of the Interrogatories, Opposer expressly reserves its right to amend or to supplement these Responses with any additional information that emerges through discovery or otherwise.

6. Opposer objects to the Interrogatories to the extent that they may be construed to call for the disclosure of information subject to a claim of privilege or immunity, including the attorney-client privilege, the attorney work-product doctrine, or any other applicable evidentiary privilege or immunity from disclosure. The inadvertent disclosure of any information subject to such privileges or immunities is not intended to relinquish any privilege or immunity and shall not be deemed to constitute a waiver of any applicable privilege or immunity.

7. Opposer objects to the Interrogatories to the extent that they are vague, ambiguous or confusing.

8. Opposer objects to the Interrogatories to the extent that they seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

9. Opposer objects to the Interrogatories to the extent that they are duplicative, cumulative and seek information that may be obtained from other sources or through other means of discovery that are more convenient, more efficient, more practical, less burdensome and/or less expensive.

10. Opposer objects to the Interrogatories to the extent that they are overly broad, overly expansive, oppressive, unduly burdensome, and/or appear intended to annoy or harass.

11. Opposer objects to the Interrogatories to the extent that the information requested is confidential and proprietary.

12. Opposer objects to the Interrogatories as unduly burdensome to the extent that the information requested is within the knowledge of Applicant, can be determined by referring to documents within the possession, custody or control of Applicant or is within the public domain or otherwise more readily or equally available to Applicant and thus more conveniently obtained by Applicant.

13. Opposer objects to the Interrogatories to the extent that they constitute or contain legal conclusions or characterize certain information, allegations or ideas as undisputed fact.

14. Opposer objects to disclosing information that is subject to confidentiality agreements with third parties, orders requiring confidentiality, or court sealing, except to the extent disclosure in this matter is authorized.

15. Opposer objects to the Interrogatories to the extent they seek to impose any obligation inconsistent with the Federal Rules of Civil Procedure or the Trademark Manual of Board Procedure.

16. Opposer objects to the Interrogatories to the extent that they are not limited in time. Subject to the foregoing, unless otherwise indicated in the Responses, Opposer will provide herein information relating to the period from January 1, 2001 to the present.

17. Opposer objects to the Interrogatories to the extent that they are not limited in geographical scope. Subject to the foregoing, Opposer will disclose to Applicant responsive information relating to the United States.

18. The terms “and” and “or” shall be construed either disjunctively or conjunctively as the context requires.

19. The use of the singular form of any word includes the plural and vice versa.

20. The term “including” shall not be construed as limiting any Response, and shall mean the same as “including, but not limited to.”

Each of the foregoing General Responses and Objections are incorporated by reference into each Specific Response set forth below. Notwithstanding the Specific Response to any Interrogatory, Opposer does not waive any of its General Responses or Objections. These Responses are given without prejudice to Opposer’s rights to use or rely on at any time, including trial, subsequently discovered information or documents, or information or documents omitted from these Responses as a result of mistake, error, oversight or inadvertence. Subject to the General Responses and Objections, and without waiver, modification, or limitation thereof, Opposer’s Responses and Objections to the Interrogatories are set forth below.

SPECIFIC RESPONSES TO THE INTERROGATORIES

INTERROGATORY NO. 1:

State in detail the nature of the business, operations, and activities conducted by Opposer.

RESPONSE TO INTERROGATORY NO. 1:

Opposer objects to this Interrogatory on the grounds that it is vague, ambiguous, and overbroad. Subject to the foregoing, Opposer will make available to Applicant for purposes of inspection and copying documents sufficient to identify the general nature and scope of the business, operations, and activities conducted by Opposer. Specifically, Opposer will make available to Applicant for purposes of inspection and copying its Form 10-K Reports for the

years 2001 to 2011, as well as other documents evidencing the long history and use of the CITI family of marks.

INTERROGATORY NO. 2:

Identify each person who has knowledge of Opposer's selection and adoption of Opposer's Claimed Mark¹ and who has knowledge of how it is used and how it is intended to be used. To the extent this interrogatory identifies more than ten (10) persons, limit the response to only those persons who possess the most knowledge.

RESPONSE TO INTERROGATORY NO. 2:

Opposer objects to this Interrogatory as overbroad and unduly burdensome, as well as not relevant to any claim or defense of any party to this proceeding, given that three of the six Claimed Marks have been registered for more than 30 years (including one (CITIBANK) that has been registered for more than 50 years), and only one of the six (CITITRAVEL) was first registered within the past ten years. Subject to the foregoing, Opposer responds that Anne Moses, Esq., Associate General Counsel, Citigroup Inc., has been employed by Opposer since 1983, and has been involved in the process of adopting and registering Opposer's trademarks since 1984, and accordingly has more than adequate knowledge of Opposer's selection, adoption, and use of its Claimed Marks for the purposes of this legal proceeding.

INTERROGATORY NO. 3:

Describe in detail all goods and services formerly and currently being offered by Opposer in conjunction with Opposer's Claimed Mark and identify the dates on which Opposer first began such use(s) and the geographic areas in which such use occurred.

RESPONSE TO INTERROGATORY NO. 3:

Opposer objects to this Interrogatory as overbroad and unduly burdensome, as well as not relevant to any claim or defense of any party to this proceeding, given that three of the six

¹ The Interrogatories use the term "Claimed Mark," but Applicant's Definitions use the term "Claimed Marks" to refer to six specific marks of Opposer. Thus, Opposer interprets all of Applicant's references herein to "Claimed Mark" to mean "Claimed Marks."

Claimed Marks have been registered for more than 30 years (including one (CITIBANK) that has been registered for more than 50 years), and only one of the six (CITITRAVEL) was first registered within the past ten years. Opposer further objects to this Interrogatory to the extent that it seeks the disclosure of any information regarding international usage of the Claimed Marks on the grounds that such information is not relevant to any claim or defense of any party to this proceeding. Subject to the foregoing, Opposer responds that the goods and services being offered by Opposer in the United States in conjunction with Opposer's registered Claimed Marks, and their dates of first use, are identified in the federal trademark registrations for said marks, which are summarized in Exhibit A of Opposer's Amended Notice of Opposition. With respect to those of Opposer's Claimed Marks to which Opposer claims common law rights herein, the goods and services for which said marks are used are identified in Exhibit B to Opposer's Amended Notice of Opposition, and Opposer responds that it has made such use since at least as early as 2001. Finally, with respect to the geographic areas in the United States in which Opposer's Claimed Marks are used, Opposer responds that such marks are used nationwide.

INTERROGATORY NO. 4:

Describe any periods since Opposer's alleged date of first use, as set forth in the preceding paragraph, during which Opposer did not make use of Opposer's Claimed Mark.

RESPONSE TO INTERROGATORY NO. 4:

Opposer objects to this Interrogatory on the grounds that the term "make use of" is vague and ambiguous. Subject to the foregoing, Opposer responds that none of its registered Claimed Marks have been abandoned since they were federally registered, and none of its common law Claimed Marks have been abandoned since their date of first use.

INTERROGATORY NO. 5:

With respect to each good and/or service identified in your response to Interrogatory No. 3, state the annual sales in units and dollars from the date of first use of each such good and/or service.

RESPONSE TO INTERROGATORY NO. 5:

With respect to the marks CITI, CITIBANK, CITIGROUP, CITIDIRECT, and CITI NEVER SLEEPS, Opposer objects to this Interrogatory as overbroad and unduly burdensome, as well as not relevant to any claim or defense of any party to this proceeding, given that three of these marks have been registered for more than 30 years (including one (CITIBANK) that has been registered for more than 50 years), and all have been registered for more than 10 years. Subject to the foregoing, with respect to those five marks, Opposer responds that these marks are each used in various ways in connection with the provision of, among other services, general financial services, including but not limited to banking services, mortgage services, investment services, and credit and debit card services. Annual sales information for such services in North America, to the extent it is reported on a segmented basis, is set forth in Opposer's annual Form 10-K Reports for the years 2001 through 2011, which show, for instance, that retail banking revenues in North America for the past three years have exceeded \$8 billion annually (more than \$3 billion of which is credit/debit-card related on a yearly basis), and that deposits in North America exceeded \$140 billion in each of those years. With respect to Opposer's CITITRAVEL mark, that mark is one of a number of Opposer's trademarks that are used to provide rewards and loyalty program services, including travel services, to credit card customers, and Opposer is investigating whether sales in connection with that mark are separately recorded or reported, and if so what are such annual sales. Opposer will thus supplement its Responses accordingly.

INTERROGATORY NO. 6:

With respect to each good and/or service identified in your response to Interrogatory No. 3, describe in detail the manner in which Opposer's Claimed Mark is promoted in the United States, including but not limited to the media and mode of any marketing efforts as well as the geographic regions in which said promotions are conducted.

RESPONSE TO INTERROGATORY NO. 6:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous.

Subject to the foregoing, Opposer responds that a number of media channels, including television, radio, print, internet, social media, point of sale, billboard, direct marketing, direct mail, merchandising, incentives, and/or written promotional materials, are utilized to promote Opposer's various financial and other services using one or more of the Claimed Marks except for CITITRAVEL. Opposer further responds that each of the Claimed Marks is used nationwide in promotions. As respects CITITRAVEL, the service is currently promoted by means of the magazine CITITRAVEL distributed to subscribers of the service.

INTERROGATORY NO. 7:

For each medium identified in the preceding interrogatory, state the annual expenditure for advertising and promotion since inception.

RESPONSE TO INTERROGATORY NO. 7:

Opposer objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome to the extent that it seeks advertising expenditures for "each medium" used by Opposer. Subject to the foregoing, Opposer responds that it is investigating the availability of overall annual expenditure totals for advertising and promotion in various categories, and will supplement its Responses accordingly.

INTERROGATORY NO. 8:

Identify the person or persons who, from the date of Opposer's claimed date of first use(s) of Opposer's Claimed Mark to the present, have been responsible for the marketing

and/or promotion of Opposer's goods and services under Opposer's Claimed Mark indicating the period during which each person was so responsible.

RESPONSE TO INTERROGATORY NO. 8:

Opposer objects to this Interrogatory to the extent that it seeks the identification of individuals in Opposer's employ decades ago, given that three of the six Claimed Marks have been registered for more than 30 years (including one (CITIBANK) that has been registered for more than 50 years), and only one of the six (CITITRAVEL) was first registered within the past ten years. Subject to the foregoing, Opposer responds that Maryann Villanueva, Vice President and Director, Global Branding and Identity, Citigroup Inc., has been employed by Citigroup since 2001, and since that time has been responsible for corporate-level supervision of marketing and/or promotional strategies of Opposer for its goods and services.

INTERROGATORY NO. 9:

Identify all advertising agencies, public relations agencies or market research agencies that Opposer has used, participated with or cooperated with in advertising, marketing or promoting the goods/services identified in response to Interrogatory No. 3, and indicate the time period(s) during which such activities were conducted.

RESPONSE TO INTERROGATORY NO. 9:

Opposer objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome, as well as not relevant to any claim or defense of any party to this litigation.

INTERROGATORY NO. 10:

With respect to each good and/or service identified in your response to Interrogatory No. 3, describe in detail the channels of distribution by which the goods and/or services of Opposer reach or are expected to reach the ultimate user or consumer.

RESPONSE TO INTERROGATORY NO. 10:

Opposer responds that its primary services are distributed to retail customers, as well as corporate and government agency customers, through its approximately 1,000 banks, 30,000 ATMs, and several toll-free telephone numbers and internet websites for mobile banking (with

such websites typically being accessed by more than five million unique visitors per month), as well as direct mail to Opposer's customers and potential customers. Opposer further provides credit and debit card services to millions of corporate employees, government employees, and retail customers. Additionally, Opposer provides investment advisory and related services to corporate and financial institution clients. To the extent that Applicant seeks information regarding Opposer's other channels of distribution, Opposer objects on the grounds that such request is unduly burdensome and not relevant to any claim or defense of any party to this proceeding.

INTERROGATORY NO. 11:

Identify any and all licensees of Opposer's Claimed Mark, if any, and in so doing, describe each licensing arrangement and identify each product and/or service offered or sold by each licensee under Opposer's Claimed Mark or similar designation.

RESPONSE TO INTERROGATORY NO. 11:

Opposer objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome, and, to the extent that it seeks the disclosure of information regarding license agreements involving goods and/or services which are not directly related to the goods and/or services provided by Applicant under its applied-for mark, Opposer objects on the grounds that such information is not relevant to any claim or defense of any party to this proceeding. Opposer has entered into many hundreds of license agreements for promotional uses of its Claimed Marks which are not relevant herein, including, for instance, for the use of the mark CITI to denote Opposer's sponsorship of the 2012 U.S. Olympic Team and the U.S. Olympic Committee. Subject to the foregoing, Opposer responds that it is a party to the following arrangements:

- Program Provider Agreement with Trilegiant Corporation, July 2, 2001, for the provision of certain programs to Opposer's credit card holders, including Program Exhibits for CitiTravel, Everyday Values Gold, and Great Fun programs.

- Aadvantage Participation Agreement with American Airlines, Inc., June 10, 2008, for the provision of a co-branded credit card and loyalty program.
- Master Servicing Agreement with Trilegiant Corporation, April 22, 2008, for the provision of certain programs to Opposer's credit card holders, including Program Exhibits for Opposer's Travel Rewards Program and Airport Lounge E-Certificates Programs.
- Vendor Services Agreement with Mediaiders Inc. (doing business as Spirit Incentives), January 1, 2008, for the provision of certain travel offers to Opposer's credit card holders, with Program Exhibits for companion travel offers and hotel stay offers.
- Promotional Offer Agreement with Marquis Jet Partners, Inc., January 1, 2007, for the provision of an "Airline Consultation Program" and "Client Value Add" offer for private jet service to certain of Opposer's credit card holders.
- Agreement with Hilton HHonors Worldwide, LLC, September 30, 2004, for the provision of free enrollment in the Hilton HHonors program to certain of Opposer's credit card holders.

INTERROGATORY NO. 12:

Describe in detail any adversarial proceeding or challenge, if any, involving Opposer's Claimed Mark, or any similar designation, before the Trademark Trial and Appeal Board, Bureau of Customs, Federal Trade Commission, or any court or tribunal, including but not limited to any challenge by cease and desist letter to Opposer's Claimed Mark.

RESPONSE TO INTERROGATORY NO. 12:

Opposer objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome to the extent that it seeks information regarding all adversarial proceedings or challenges involving any of Opposer's Claimed Marks, whether involving alleged trademark

infringement or otherwise, and to the extent that it seeks cease and desist letters. Opposer also objects to this Interrogatory as not relevant to any claim or defense of any party to this proceeding, given that three of the six Claimed Marks have been registered for more than 30 years (including one (CITIBANK) that has been registered for more than 50 years), and only one of the six (CITITRAVEL) was first registered within the past ten years. Opposer further objects to this Interrogatory to the extent that the requested information is within the public domain or otherwise more readily or equally available to Applicant and thus more conveniently obtained by Applicant. Subject to the foregoing, Opposer will make available to Applicant for purposes of inspection and copying documents sufficient to evidence trademark opposition and cancellation proceedings before the United States Patent and Trademark Office and trademark infringement or unfair competition lawsuits in federal court relating to any of Opposer's Claimed Marks for the period January 1, 2001 to the present, as identified in Schedule A hereto.

INTERROGATORY NO. 13:

Identify all persons who have knowledge concerning Opposer's selection, adoption and/or use of Opposer's Claimed Mark for any products and services.

RESPONSE TO INTERROGATORY NO. 13:

Opposer objects to this Interrogatory on the grounds that it is duplicative of Interrogatory No. 2, and hereby specifically incorporates its Response to Interrogatory No. 2 herein.

INTERROGATORY NO. 14:

Identify and describe any and all opinions relating to the Opposer's Claimed Mark, including but not limited to Opposer's use of the mark vis-à-vis Applicant's mark.

RESPONSE TO INTERROGATORY NO. 14:

Opposer objects to this Interrogatory as vague and ambiguous. To the extent that Applicant seeks the identification and/or disclosure of opinions by counsel, Opposer objects on

the grounds that any such information is protected by the attorney-client or work product privileges.

INTERROGATORY NO. 15:

Identify and describe any and all investigations, polls, studies, evaluations, analysis, tests, ratings, or surveys relating to Opposer's Claimed Mark or Applicant's Mark, including but not limited to Opposer's use of Opposer's Claimed Mark.

RESPONSE TO INTERROGATORY NO. 15:

Opposer objects to this Interrogatory on the grounds that it is vague, ambiguous, overbroad and unduly burdensome. Subject to the foregoing, Opposer will make available to Applicant for purposes of inspection and copying branding studies that help evidence the widespread fame of Opposer's house marks, CITI and CITIBANK, at least since the year 1990.

INTERROGATORY NO. 16:

Identify and describe any and all investigations, polls, studies, evaluations, analysis, tests, ratings, or surveys relating to Opposer's Claimed Mark, including but not limited to Applicant's use of Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 16:

Opposer objects to this Interrogatory on the grounds that it is vague and ambiguous, and appears to be duplicative of Interrogatory No. 15. Subject to the foregoing, Opposer hereby specifically incorporates its Response to Interrogatory No. 15 herein. To the extent that this Interrogatory seeks studies or analyses concerning Applicant's Mark, Opposer responds that it has no such studies or analyses.

INTERROGATORY NO. 17:

Describe in detail Opposer's awareness and knowledge of Applicant, Applicant's business activities, Applicant's Mark, and/or Applicant's use of Applicant's Mark, prior to as well as subsequent to Opposer's use of Opposer's Claimed Mark and filing of its federal trademark applications, and in so doing, state the dates on which each person or persons gained such knowledge or awareness.

RESPONSE TO INTERROGATORY NO. 17:

Opposer responds that it became aware of Applicant's Mark based on the publication of Applicant's federal trademark application. All other information obtained by Opposer regarding Applicant and its activities was gathered by counsel and is thus protected by attorney-client or work-product privileges.

INTERROGATORY NO. 18:

Identify the intended and actual consumers of Opposer's products and services offered and/or sold under or in connection with Opposer's Claimed Mark or similar designation.

RESPONSE TO INTERROGATORY NO. 18:

Opposer responds that its target demographic for goods and services offered under its Claimed Marks in its consumer-oriented businesses is all United States residents who make use of financial services, including but not limited to banking services, investment services, mortgage services, and credit and debit card services. Opposer also offers financial and related services to corporate entities and institutions, as well as governmental agencies.

INTERROGATORY NO. 19:

Identify and describe any instances of actual confusion or mistake with respect to the goods and services sold or offered by Opposer and the goods and services sold or offered by Applicant.

RESPONSE TO INTERROGATORY NO. 19:

Opposer responds that it is not aware of any instances of actual confusion or mistake with respect to the goods and services sold or offered by Opposer and the goods and services sold or offered by Applicant.

INTERROGATORY NO. 20:

State in detail the factual and legal basis for the Opposer's contention that "The services cited by Applicant's Mark, specifically, "Travel booking agencies," are related to services Opposer has offered under its family of CITI Marks." Notice of Opposition at ¶ 8.

RESPONSE TO INTERROGATORY NO. 20:

Opposer objects to this Interrogatory on the grounds that it is premature, given that discovery has just begun in this proceeding. Opposer further objects to this Interrogatory to the extent that it seeks citations to legal authorities. Subject to the foregoing, Opposer responds that it and its affiliates have for decades offered a wide range of financial services, including credit and debit card services, to tens of millions of customers nationwide under the CITI family of marks. As a component of these services, Opposer offers loyalty and rebate programs, including travel incentives and discounts, under a number of marks, each of which begins with the term "CITI." These programs include a long-standing (more than 20 years) and significant relationship with American Airlines to co-brand the Citi AAdvantage credit and debit cards. Not only do the loyalty programs referred to herein include incentives and discounts for travel (including airfare), but holders of CITI-branded credit cards also receive informational mailings and/or publications regarding travel opportunities, can book travel arrangements using their CITI-branded credit cards, and are able to directly book travel arrangements through Opposer's CITI-branded websites. Similarly, Applicant claims to provide travel arrangement services.

INTERROGATORY NO. 21:

State in detail the factual and legal basis for the Opposer's contention that Applicant's Mark is likely to cause confusion with Opposer's family of CITI Marks, and/or with individual members of Opposer's family of CITI Marks." Notice of Opposition at ¶ 9.

RESPONSE TO INTERROGATORY NO. 21:

Opposer hereby specifically incorporates its Response to Interrogatory No. 20 herein. In addition, Opposer responds that Opposer's family of CITI marks and Applicant's Mark all begin with the term "CITI." Similar to many of Opposer's marks, Applicant's Mark contains CITI as the dominant term, followed by a descriptive or generic term related to the services provided. Through its substantial expenditures in advertising and promotion, Opposer has gained a high

degree of fame in its CITI-branded family of marks since at least as early as 1990, and accordingly consumers exposed to Applicant's Mark will likely be misled into believing that said mark is owned by, associated with, or sponsored by Opposer.

INTERROGATORY NO. 22:

State in detail the factual and legal basis for the Opposer's contention that "The registration of Applicant's Mark by Applicant is likely to dilute the distinctiveness of Opposer's family of CITI Marks, and in individual members of Opposer's family of CITI Marks, by blurring the considerable source-identifying power of [sic] Opposer's family of CITI Marks and of individual members of its family of CITI Marks." Notice of Opposition at ¶ 11.

RESPONSE TO INTERROGATORY NO. 22:

Opposer hereby specifically incorporates its Responses to Interrogatories Nos. 20 and 21 herein. In addition, Opposer responds that its family of CITI marks has been famous since at least as early as 1990, which is more than 15 years before Applicant's claimed date of first use of its mark. Because Applicant's Mark contains an identical dominant term, CITI, followed by a descriptive or generic term related to the services provided, Applicant's Mark is substantially identical to Opposer's CITI-prefixed Marks and is likely to blur the source-identifying power of Opposer's CITI-prefixed family of marks.

INTERROGATORY NO. 23:

Identify any instance of actual confusion in commerce related to Applicant's Mark and Opposer's Claimed Marks.

RESPONSE TO INTERROGATORY NO. 23:

Opposer responds that it is not aware of any instances of actual confusion in commerce related to Applicant's Mark and Opposer's Claimed Marks.

INTERROGATORY NO. 24:

Identify each lay and expert witness Opposer expects to call to testify on its behalf in this matter, and state the subject matter of each such witnesses' expected testimony, and identify each exhibit that Opposer intends to introduce or rely upon in connection with each such witness.

RESPONSE TO INTERROGATORY NO. 24:

Opposer objects to this Interrogatory on the grounds that it is unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks identification of exhibits that Opposer intends to introduce or rely upon, on the grounds that discovery in this matter has just begun and any such request is thus premature, and furthermore on the grounds that such identification is not required by the Trademark Rules of Practice. Subject to the foregoing, Opposer intends to call the following witnesses (and notes that the information regarding subject matter in parentheses is neither complete nor exhaustive):

Anne Moses, Esq.
Associate General Counsel
IP and O&T Law Group
Citigroup Inc.
One Court Square
Long Island City, New York 11120
(History of CITI family of marks; fame of CITI family of marks; scope of services offered by the CITI family of marks; revenues and other financial information for Opposer's services; policing; family usages; use of common law marks.)

Anthony Michelini
Vice President and Director, Decision Management and Insights
Citigroup Inc.
601 Lexington Avenue
New York, New York 10022
(Branding and awareness studies showing fame of CITI marks)

Mary Ann Villanueva
Vice President and Director, Global Branding and Identity
Citigroup Inc.
601 Lexington Avenue
New York, New York 10022
(Advertising, promotion, and branding strategies related to the CITI family of marks; branding and awareness studies relating to the CITI marks; internet statistics and other customer statistics regarding CITI marks.)

David Parkes
Director, Co-brands and Loyalty in Citi Cards
1 Court Square
Long Island City, New York 11101
(Credit and debit card loyalty programs)

Citigroup employee knowledgeable about travel-related rewards programs
offered by Opposer, including credit card and other programs
(Position and Address To Come)

Prakash Raj²
(Information regarding Applicant)

INTERROGATORY NO. 25:

Identify and describe all documents Opposer expects to use, introduce or rely upon at the time of trial in this matter.

RESPONSE TO INTERROGATORY NO. 25:

Opposer objects to this Interrogatory on the grounds that it is duplicative of Interrogatory No. 24, and hereby specifically incorporates its Response to that Interrogatory herein.

INTERROGATORY NO. 26:

Identify all persons who were consulted or participated in the preparation of the answers to these interrogatories.

RESPONSE TO INTERROGATORY NO. 26:

Opposer objects to this Interrogatory on the grounds that seeks the disclosure of information protected by the attorney-client or work product privileges.

INTERROGATORY NO. 27:

Has the Opposer taken legal action against a third party other than the Applicant to police or enforce its alleged rights in Opposer's Claimed Mark? If so, please set forth, with particularity the following:

- (1) The name and address of the party against whom the legal action was instituted;

² Opposer intends to introduce this testimony either through testimony during trial or by deposition.

- (2) the date(s) during which the legal action transpired;
- (3) a complete description of the legal action taken;
- (4) if the legal action took place before the United States Patent & Trademark Office or any state or federal court or agency, the name of the entity in which it took place including the proceeding number assigned thereto;
- (5) a complete description of the allegations included in the legal action;
- (6) the result of the legal action.

RESPONSE TO INTERROGATORY NO. 27:

Opposer objects to this Interrogatory on the grounds that it is duplicative of Interrogatory No. 12, and hereby specifically incorporates its Response to that Interrogatory herein.

INTERROGATORY NO. 28:

Has a third-party ever taken legal action against the Opposer regarding the Opposer's use of Opposer's Claimed Mark? If so, please set forth, with particularity the following:

- (1) The name and address of the party against whom the legal action was instituted;
- (2) the date(s) during which the legal action transpired;
- (3) a complete description of the legal action taken;
- (4) if the legal action took place before the United States Patent & Trademark Office or any state or federal court or agency, the name of the entity in which it took place including the proceeding number assigned thereto;
- (5) a complete description of the allegations included in the legal action;
- (6) the result of the legal action.

RESPONSE TO INTERROGATORY NO. 28:

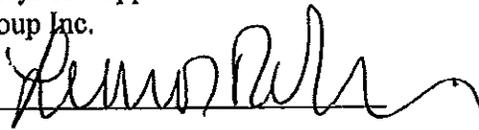
Opposer objects to this Interrogatory on the grounds that it is duplicative of Interrogatory No. 12, and hereby specifically incorporates its Response to that Interrogatory herein.

Dated: April 30, 2012

Bruce Goldner
Kenneth Plevan
Limor Robinson
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
(212) 735-2000 (facsimile)

Attorneys for Opposer
Citigroup Inc.

By: _____



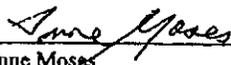
VERIFICATION

I, Anne Moses, declare under penalty of perjury that the following statements are true:

1. I am employed by Citigroup Inc. ("Opposer") as Associate General Counsel in its IP and O&T Law Group, and I am duly authorized to sign this Response on behalf of Opposer.

2. I have read Opposer's Objections and Responses to Applicant's First Set of Interrogatories. As of the date below and based on the information currently available, I am informed and believe that as to factual matters contained therein that relate to Opposer, the Responses are true and correct.

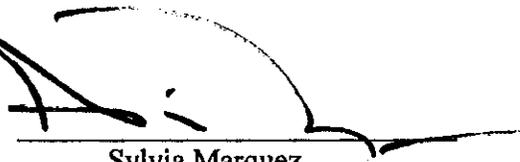
Executed this 30th day of April, 2012, at Long Island City, New York.


Anne Moses
Associate General Counsel
Citigroup Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of Opposer's Responses and Objections to Applicant's First Set of Interrogatories has been served on counsel for Citiair, LLC by mailing said copy on April 30, 2012 via First Class Mail, postage prepaid to:

Matthew H. Swyers, Esq.
The Trademark Company
344 Maple Avenue West, Suite 151
Vienna, Virginia 22180-5612



Sylvia Marquez

SCHEDULE A

1. Trademark Opposition and Cancellation Proceedings

Proceeding No.	Date	Applicant/Registrant, Property(ies)	Opposing Party
91202646	11/21/2011	<u>John P. Boom</u> Mark: CITIPLANIT S#:77896430	Citigroup Inc.
91201920	10/05/2011	<u>Citlair, LLC</u> Mark: CITIAIR S#:85219849	Citigroup Inc.
91201433	08/26/2011	<u>Jeffrey Lamothe</u> Mark: CITI KIDS S#:85228313	Citigroup Inc.
91194572	04/20/2010	<u>Citigroup Inc.</u> Mark: CITI MOBILE S#:77596660	Citi-Advertising, Inc.
91199140	03/24/2011	<u>Citilink Communications, LLC</u> Mark: CITILINK BROADBAND SOLUTIONS S#:77863962	Citigroup Inc.
91194122	03/12/2010	<u>DMS Publishing, LLC</u> Mark: CITIGAL S#:77708487	Citigroup Inc.
91193455	01/19/2010	<u>Citigroup Inc.</u> Mark: CITI QUIKREMIT S#:77386767	Total System Services, Inc.
91193426	01/15/2010	<u>Vilma L. Chau</u> Mark: CITI SQUARES S#:77491256	Citigroup Inc.
91193104	12/21/2009	<u>Patrick Schell</u> Mark: CITICONDO S#:78307212	Citigroup Inc.
91075062	11/10/2009	<u>CITICORP</u> Mark: CITI-ONE S#:73520160 R#:1535713	The One Bancorp
91191755	09/02/2009	<u>Citic Group</u> Mark: CITIC CAPITAL S#:77490118	Citigroup Inc.
91191754	09/02/2009	<u>Citic Group</u> Mark: CITIC CAPITAL S#:77490114	Citigroup Inc.
91191748	08/31/2009	<u>Citic Group</u> Mark: CITIC S#:79055787	Citigroup Inc.
91190047	05/04/2009	<u>Circuit City Stores West Coast, Inc.</u> Mark: CITY DEAL S#:77493107	Citigroup Inc.
91189495	03/30/2009	<u>Citi Connect, Inc.</u> Mark: CITI CONNECT S#:77440556	Citigroup Inc.
91187760	11/26/2008	<u>JEFFERSON, NARUS</u> Mark: CITISOURCE METRO S#:77372679	Citigroup Inc.
92049576	06/30/2008	<u>Cityblock, Inc.</u> Mark: CITYBLOCK S#:78607206 R#:3095304	Citigroup Inc.

Proceeding No.	Date	Applicant/Registrant, Property(ies)	Opposing Party
91183622	04/17/2008	<u>CircuitCity.com Inc. joined as party defendant with Circuit City Stores West Coast, Inc.</u> Mark: CITY SOLUTIONS S#:77156778 Mark: FIND YOURSELF IN THE CITY S#:77233114 Mark: FIND YOURSELF IN THE CITY S#:77233092 Mark: IT'S SIMPLE IN THE CITY S#:77268689 Mark: THE CITY S#:77045135 Mark: THE CITY S#:77233104 Mark: CITY DESIGNS S#:78972150	Citigroup Inc.
91183599	04/16/2008	<u>HSBC USA Inc.</u> Mark: CITYRENEWAL S#:76676178	Citigroup Inc.
91181872	01/14/2008	<u>Citybizlist, Inc.</u> Mark: CITYBIZLIST S#:78698184	Citigroup Inc.
91181165	12/10/2007	<u>Enhanced Communications Group, LLC</u> Mark: CITYBUX S#:77036797	Citigroup Inc.
91180613	11/07/2007	<u>City 2 City Home Loans, Inc.</u> Mark: CITY 2 CITY HOME LOANS S#:77087823	Citigroup Inc.
91179970	10/10/2007	<u>Citimaxx Corporation</u> Mark: CITIMAXX HOMES AND LOANS S#:78861920	Citigroup Inc.
91179787	10/01/2007	<u>BCBP, LLC</u> Mark: I ONE CITI S#:78952883	Citigroup Inc.
91177415	05/21/2007	<u>Capital City Bank Group, Inc.</u> Mark: CAPITAL CITY BANK S#:78906010 Mark: CAPITAL CITY BANC INVESTMENTS S#:78934941 Mark: CAPITAL CITY BANK GROWING BUSINESS S#:78930103 Mark: CAPITAL CITY BANK INVESTMENTS S#:78909113	Citigroup Inc.
91175387	01/29/2007	<u>3 City Bank</u> Mark: 3 CITY BANK S#:78743914	Citigroup Inc.
91174254	11/29/2006	<u>Citistay Hotels, LLC</u> Mark: CITISTAY S#:78756565	Citigroup Inc.
91172064	07/27/2006	<u>Cityblock, Inc.</u> Mark: CITYBLOCK S#:78607302	Citigroup Inc.
91171585	06/28/2006	<u>Cityblock Inc.</u> Mark: CITYBLOCK S#:78607185	Citigroup Inc.
91170100	03/29/2006	<u>GRONOW, MARC ELSNER VON</u> Mark: CITIGUIDE S#:78373732	Citigroup Inc.
91168615	01/13/2006	<u>Cityblock, Inc.</u> Mark: CITYBLOCK S#:78286802	Citigroup Inc.
91165680	06/27/2005	<u>CITI CAR AND TRUCK RENTAL LIMITED</u> Mark: CITI RENT-A-CAR S#:78281835	Citicorp

Proce- ding No.	Date	Applicant/Registrant, Property(ies)	Opposing Party
91163569	12/22/2004	Henderson, Gil Mark: CITIHOMES S#:75900317	Citicorp
91163045	11/08/2004	FWC Residential Company, L.P. Mark: CITYVILLE S#:78282858	Citicorp
91161702	08/06/2004	Circuit City Stores West Coast, Inc. Mark: CITYADVANTAGE S#:78276557	Citicorp
91159487	02/05/2004	Entertainment Publications Operating Company, Inc. Mark: CITYSAVINGS S#:76425183	Citicorp
91157227	07/18/2003	City Holding Company Mark: CITY INSURANCE S#:76223405	Citicorp
91156294	03/10/2003	City National Bank Mark: CITYREC S#:76424937	Citicorp
91156146	04/21/2003	Friedman, Billings, Ramsey Group, Inc Mark: MONEY NEVER RESTS S#:76306424	Citicorp
91154287	12/24/2002	City National Bank Mark: CITY IMAGE S#:76039771	Citicorp
91152551	07/23/2002	SINGH, AJAY, KUMAR Mark: CITISTREET.COM S#:78004273	Citicorp
91152390	06/24/2002	RAYMOND, GREGORY S. Mark: CITISPACES S#:76256011	Citicorp
91152244	07/25/2002	NEW WORLD NETWORK, LTD. Mark: CITY CONNECT S#:76172452	Citicorp
92041359	12/24/2002	City National Bank Mark: CITYTAX S#:75814941 R#:2637540	Citicorp
91125557	05/31/2002	ATI TELECOM, INC. Mark: CITY CALL S#:75324942	Citicorp
91124622	11/14/2001	IONMEDIA CORPORATION AND IONUS.COM CORPORATION Mark: CITIDISC S#:75645956 Mark: CITIDISC S#:75645956	Citicorp
91124554	10/31/2001	CITI411.COM CORP., Mark: CITI411 S#:78010705	Citicorp
91124474	10/22/2001	CITYINFO.COM, INC. Mark: CITYINFOCARD S#:76068954	Citicorp
91122547	04/05/2001	THE ALLIANCE GROUP CORPORATION Mark: EVICITI S#:75757743	Citicorp
91124668	04/04/2001	FIRST CITY BANK OF FORT WALTON, INC. Mark: FIRST CITY BANK S#:75812420 R#:2431096	Citicorp
91121619	02/28/2001	CITI TRANSLATION CENTER, INC. Mark: CITI S#:75722025	Citicorp

2. *Lawsuits*

Proceeding No.	Date Filed	Defendant(s), Property(ies)	Plaintiff(s)
10-60139-CIV (S.D. Fla.)	1/29/2010	Emanuel Legakis d/b/a Citiatlantic Mortgage	Citigroup Inc.
09 Civ. 350 (SDNY)	1/27/2009	All Citi Pawn	Citigroup Inc.
08-23542-CIV (S.D. Fla.)	12/23/2008	Citigroup Realty, Inc.; Citimortgage & Investment, Inc.	Citigroup Inc.
SACV08-1348 (C.D. Cal.)	11/25/2008	Jae Yu d/b/a Citi Credit Bureau	Citigroup Inc.
08 CIV. 8215; 10 CIV. 4198 (SDNY)	9/24/2008; 5/24/2010	Citi-Advertising, Inc.	Citigroup Inc.
08 Civ. 7527	8/26/2008	VDN Systems, Inc.; Citi.net, Inc; Truc V. Tran	Citigroup Inc.
05 Civ. 5884	6/24/2005	Joseph Parvin; ITravel.com, Inc.	Citicorp

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/219,849,
For the mark CITIAIR and design,

Citigroup, Inc.,	:	
	:	
Opposer,	:	Opposition No. 91201920
	:	
vs.	:	<u>CONFIDENTIAL</u>
	:	<u>SUBJECT TO</u>
	:	<u>PROTECTIVE ORDER</u>
	:	
Citair, LLC,	:	
	:	
Applicant.	:	

APPLICANT’S SECOND NOTICE OF RELIANCE¹
(Confidential)

Applicant, Citair, LLC, pursuant to Trademark Rules 2.120(j) and 2.123 of the Trademark Rules of Practice, 37. C.F.R. §§ 2.120 and 2.123, hereby introduces into evidence the following:

Description	Relevance	Exhibit No.
Opposer’s Bates Stamp Nos. OPP000795 – OPP000797	The documents submitted are relevant to the instant matter and, specifically, the <i>DuPont</i> Factors which will be used to determine the instant case.	Applicant’s Exhibit B
Opposer’s Bates Stamp Nos. OPP000830 – OPP000834	The documents submitted are relevant to the instant matter and, specifically, the <i>DuPont</i> Factors which will be used to determine the instant case.	Applicant’s Exhibit C

¹ Per office policy, the instant document is being submitted in duplicate with the Notice of Reliance submitted through the TTAB’s standard portal without confidential documents and the full filing submitted confidentially.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Applicant

