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

Proceeding	91202898
Party	Defendant Mikhail Levitin T/A Mikhail Levitin Institute
Correspondence Address	MIKHAIL LEVITIN PO BOX 102 REEDERS, PA 18352-0102 UNITED STATES vitality@ptd.net
Submission	Request for Discovery Conference
Filer's Name	Mikhail Levitin
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Signature	/mikhail levitin/
Date	12/12/2012
Attachments	111212 interrogatories1.pdf (24 pages)(114215 bytes)

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

In the Matter of Application Serial No. 85/270,272
Published in the Official Gazette on August 2, 2011
Mark: FOREAL Foréal by Mikhail

L'OREAL S.A. and L'OREAL USA, INC.,

Opposer,

v.

Opposition No. 91202898

MIKHAIL LEVITIN T/A MIKHAIL
LEVITIN INSTITUTE,

Applicant.

APPLICANT'S ANSWER TO OPPOSER'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Opposer L'Oreal S.A. and L'Oreal USA, Inc. (collectively, "L'Oreal" or "Opposer") hereby requested that Applicant Mikhail Levitin t/a Mikhail Levitin Institute ("Levitin" or "Applicant") answer the following interrogatories.

Interrogatories and requests are to be put on responding paper before the response.

INTERROGATORIES

1. State the date of and describe the reasons for the selection of Applicant's Mark, including the consideration of any other marks and/or any other goods or services, and identify the person(s) with the most knowledge of the selection of Applicant's Mark and goods.

In 1969 my friend gave me **L'Oréal's** Age Perfect Day **Cream** and ask me for my opinion.

My grandmother tried my cream and compared it with **L'Oréal's** Age Perfect Day and stated that

L'Oréal's Age Perfect Day is “dreck” and my is real, so I called it Foreal by Mikhail, it was my most knowledgeable selection of the Mark.

2. State the date and describe the circumstances under which Applicant first became aware of Opposer, of Opposer's L'OREAL Mark and of Opposer's Marks, and identify the person most knowledgeable of the foregoing.

Answered in #1.

3. Identify all investigations, surveys, research, polls, focus groups, or opinions that Applicant has ever conducted, received, or seen concerning confusion or the likelihood of confusion between Applicant's Mark and Opposer's L'OREAL Mark or Opposer's Marks, between Applicant and Opposer, and/or between Applicant's products and Opposer's products.

Due to the Applicant's political environment in USSR KGB and OBHSS did the investigation and charged him as an entrepreneur who makes and develops his own product.

4. Identify all investigations, research, searches, studies, focus groups, and polls that Applicant has ever conducted, received, or seen concerning the availability for use and/or

registration of Applicant's Mark or variations thereof.

Searched on internet.

5. State all facts that support and evidence Applicant's alleged bona fide intent to use Applicant's Mark in commerce on or in connection with anti-aging cream as of the filing date of Application Serial No. 85/270272 and continuing to date.

All available facts were set forth and previously submitted.

6. State the actual or intended date of first use anywhere and the date of first use in commerce of Applicant's Mark in connection with anti-aging creams.

01.15.1970 as it has been stated in the Applicant's letter incorporated as evidence and previously submitted.

7. Describe the types or classes of purchasers to whom Applicant has marketed or intends to market anti-aging cream in connection with Applicant's Mark.

Direct marketing.

8. Describe the channels of trade through which Applicant has marketed or intends to market anti-aging cream in connection with Applicant's Mark.

Direct marketing.

9. Identify the persons most familiar with Applicant's Mark, Applicant's anti-aging products, Applicant's actual or intended advertising, promotion, and marketing of anti-aging products in connection with Applicant's Mark, and Applicant's actual or intended channels of trade and class of consumers for anti-aging products.

Larry Stempel, CPA and incognito members of KGB and OBHSS.

Mr. Stempel was directed to make any decisions while Applicant was a political refugee restricted to leave USSR.

10. Identify and describe all agreements between Applicant and any third party concerning the use and/or registration of Applicant's Mark (or any feature, portion, part, element, or component of Applicant's Mark), including but not limited to, license agreements, consent agreements, coexistence agreements, assignments, and settlement agreements.

Oral agreement with Larry Stempel, CPA.

11. Identify all of Applicant's related companies, including predecessors-in-interest, successors-in-interest, parent, subsidiary, and sister corporations, or other persons and state whether any of them intend to use Applicant's Mark, or intend to manufacture, distribute, or sell any products in connection with Applicant's Mark.

Non.

Dated: December 11, 2012

Respectfully submitted,
By: /Mikhail Levitin/
Mikhail Levitin
P.O. Box 102
Reeders, PA 18352
(570) 872-7962

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the APLICANT'S ANSWER TO OPPOSER'S FIRST SET OF INTERROGATORIES has been served upon

Edith R. Lopez | Paralegal

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Main: +1.212.318.6000 | Fax: +1.212.230.5133

edithlopez@paulhastings.com | www.paulhastings.com,

by electronic transmission, as mutually agreed upon by the parties, and by depositing a true copy of the same with the U.S. Postal Service, first-class mail, postage prepaid, on December 11, 2012.

Respectfully submitted,
By: /Mikhail Levitin/
Mikhail Levitin
P.O. Box 102
Reeders, PA 18352
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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L'OREAL S.A. and L'OREAL USA, INC.,

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Opposition No. 91202898

MIKHAIL LEVITIN T/A MIKHAIL
LEVITIN INSTITUTE,

Applicant.

APPLICANT'S ANSWER TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Opposer L'Oreal S.A. and L'Oreal USA, Inc. (collectively, "L'Oreal" or "Opposer") hereby requested that Applicant Mikhail Levitin, t/a Mikhail Levitin Institute ("Levitin" or "Applicant") respond to the following requests for admissions.

For the convenience of the Board and Opposer each request to be quoted in full immediately preceding the response.

APPLICANT'S CORRECTIONS THE DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions contained in Applicant's First Set of Requests for Admissions served herewith are incorporated by reference and shall apply to these requests.

REQUESTS FOR ADMISSIONS

1. Each document that Applicant has produced or will produce in response to Opposer's discovery requests is genuine and authentic for purposes of admission into evidence during the testimony periods in this opposition proceeding.

Admitted only in a case when the choice is available between an original and a copy.

2. Opposer's rights in Opposer's Marks predate the filing by Applicant of the subject application for Applicant's Mark.

Denied in part and admitted in part.

Denied as a general statement while a proof requires for subjects under common law view.

Admitted as it is applied to all Opposer's subjects applications filled in USPTO when the date of the application is a proof of a predate filing.

3. Applicant has not used Applicant's Mark in commerce.

Denied Applicant has insufficient information to response to the request for admission as it has not been defined the meaning "commerce".

4. Opposer's L'OREAL Mark and each of the first two terms of Applicant's Mark have identical characters except for the "F" in Applicant's Mark, which replaces the "L" in Opposer's L'OREAL Mark.

Denied The Applicants mark is differ

1. The difference is in numbers of characters

L ' O R E A L – 7 characters;

F O R E A L – 6 characters;

2. Opposer's mark has letter L and an apostrophe before O;

Applicant's mark has letter F before O;

3. Different in accent, and it has been previously described:

The letter combination **ea** in English language unmistakably different than in the famous word **L'Oréal**.

For example, in commonly used words in English language "deal, bear, pear, tear, near, clear" the stress is on the "e" part of the diphthong, not on "a" as it is in the word **L'Oréal**:

FOREAL Foréal by Mikhail [fo  re  al] and it is opposite in **L'Oréal** [l'o  re  al].

5. Opposer's trade name and each of the first two terms of Applicant's Mark have identical characters except for the "F" in Applicant's Mark, which replaces the "L" in Opposer's trade name.

Denied. Was asked and answered [in #4](#).

6. L'OREAL and FOREAL differ by only one letter.

Denied. Was asked and answered in #4.

7. L'OREAL and FOREAL differ by only one letter.

Denied. Was asked and answered in #4.

8. "FOREAL FOREAL" is the dominant portion of Applicant's Mark.

Denied. Foreal by Mikhail is the dominant portion of Applicant's Mark.

9. The term "FOREAL" does not appear in the Merriam-Webster online dictionary (<http://www.merriam-webster.com/dictionary>).

Admit in part and denied in part.

Admitted that "FOREAL" does not appear in the Merriam-Webster online dictionary
Denied the significance since it appears in the Urban Dictionary:

1. **foreal** – “Agreeing to something, a shorter way to say 'for real' “.

www.urbandictionary.com/define.php?term=foreal.

10. The term "FOREAL" does not appear in the Oxford Dictionaries Online
(<http://oxforddictionaries.com/?region=us>).

Admit in part and denied in part.

Admitted that "FOREAL" does not appear in the Oxford online dictionary
Denied the significance since it appears in the Urban Dictionary:
www.urbandictionary.com/define.php?term=foreal .

11. The term "FOREAL" does not appear in the Cambridge Dictionaries Online
(<http://dictionary.cambridge.org/>).

Admit in part and denied in part.

Admitted that "FOREAL" does not appear in the Cambridge online dictionary
Denied the significance since it appears in the Urban Dictionary:
www.urbandictionary.com/define.php?term=foreal.

12. The term "FOREAL" does not appear in Dictionary.com.

Admit in part and denied in part.

Admitted that "FOREAL" does not appear in the Merriam-Webster online dictionary
Denied the significance since it appears in the Urban Dictionary:
www.urbandictionary.com/define.php?term=foreal.

13. The term "FOREAL" has no meaning in the English language.

Denied. The Urban Dictionary describes **foreal**:

“Agreeing to something, a shorter way to say 'for real' “.
www.urbandictionary.com/define.php?term=foreal.

14. The term "FOREAL FOREAL" has no meaning in the English language.

Disagree. The Urban Dictionary describes www.urbandictionary.com:

Foreal Foreal: "Agreeing to something, a shorter way to say 'for real' for somebody who **did not get it from the first time**".

15. L'Oreal is one of the largest cosmetics and personal care products companies in the world and in the U.S.

Denied Applicant has insufficient information to response to the request for admission.

16. L'Oreal is one of the best known cosmetics and personal care products companies in the world and in the U.S.

Denied Applicant has insufficient information to response to the request for admission.

17. L'OREAL is one of the best known and widely recognized brands in the world and in the U.S.

Denied Applicant has insufficient information to response to the request for admission.

18. Opposer's L'OREAL Mark is famous.

Denied Applicant has insufficient information to response to the request for admission.

19. Opposer's Marks are famous.

Denied Applicant has insufficient information to response to the request for admission.

20. Opposer's L'OREAL Mark and Opposer's Marks are famous in connection with cosmetics and personal care.

Denied Applicant has insufficient information to response to the request for admission.

21. Opposer's L'OREAL Mark is widely recognized by the general public.

Denied. Applicant is unable to agree or to judge and properly response due to the fact that Applicant does not have reliable statistical information on this matter.

22. Opposer's Marks are widely recognized by the general public.

Denied Applicant has insufficient information to response to the request for admission.

23. Opposer's L'OREAL Mark and Opposer's Marks are widely recognized in connection with cosmetics and personal care.

Denied Applicant has insufficient information to response to the request for admission.

24. The L'Oreal trade name, Opposer's L'OREAL Mark, and Opposer's Marks are and for a long time have been widely marketed and promoted to a broad class of consumers through television advertisements, print media, and on the Internet.

Admitted. Upon available at this time information and believe the statement is admitted,

25. Anti-aging cream is a type of face cream, hand cream and/or face lotion.

Denied. Unable to agree or disagree as there has not given and agreed with the definition of "anti-aging".

26. Anti-aging cream and other face creams are often sold through the same channels of trade as hair products, including hair colorings, color rinses, hair bleaches, color developers, color intensifiers, and/or hair conditioners.

Denied. Applicant is unable to agree or to judge and properly response due to the fact that Applicant does not have reliable statistical information on this matter.

27. Anti-aging cream is often sold through the same channels of trade as rouge, face cream, hair lotion, hand cream, eye shadow, face lotion, perfume, cologne, nail polish, suntan oil and face powder.

Denied Applicant has insufficient information to response to the request for admission.

28. Anti-aging cream is often sold through the same channels of trade as makeup products.

Denied Applicant has insufficient information to response to the request for admission.

29. Anti-aging cream is a type of skin maintenance product.

Denied Applicant has insufficient information to response to the request for admission.

30. Consumers are accustomed to seeing companies that sell face cream, hand cream and/or face lotion also sell anti-aging creams.

Denied. Applicant is unable to agree or to judge and properly response due to the fact that Applicant does not have reliable statistical information on this matter.

31. Applicant was aware of Opposer prior to applying for Applicant's Mark.

Admitted.

32. Applicant was aware of Opposer's L'OREAL Mark prior to applying for registration of Applicant's Mark.

Admitted.

33. Applicant was aware of Opposer's Marks prior to applying for registration of Applicant's Mark.

Admitted.

34. Applicant selected Applicant's Mark at least in part because of the widespread recognition of Opposer's L'OREAL Mark and/or Opposer's Marks.

Denied. It has been asked and answered in the #1 of INTERROGATORIES:
In 1969 Applicant's friend gave him L'Oréal's Age Perfect Day Cream and ask for his opinion.

Applicant's grandmother tried and compared both creams **L'Oréal's** Age Perfect Day and Applicant's and stated that **L'Oréal's** Age Perfect Day is "dreck" (means excrement) and Applicant's is real.

Unfortunately, this was an inspirational moment for selection of the Mark name Foreal by Mikhail as abbreviation of "for real by Mikhail" and it completely different from **L'Oréal**.

35. Applicant selected Applicant's Mark because of the widespread recognition of Opposer's L'OREAL Mark and/or Opposer's Marks.

Denied. It has been asked and answered in the #34.

36. At the time of filing the application for Applicant's Mark, Applicant was aware that Applicant's Mark as used in connection with anti-aging creams would create a likelihood of confusion with Opposer's L'OREAL Mark and Opposer's Marks.

Denied. Was asked and answered that it is inappropriate to claim a likelihood of confusion with Opposer's L'OREAL Mark and Opposer's Marks because:

1. There are difference is in numbers:

L ' O R E A L – 7 characters;
F O R E A L – 6 characters;

2. Opposer's mark has letter L and an apostrophe before letter O;

Applicant's mark has letter F before letter O;

3. Different in accent, and it has been previously described:

The letter combination **ea** in English language unmistakably different then in the famous word **L'Oréal**.

For example, in commonly used words in English language "deal, bear, pear, tear, near, clear" the stress is on the "e" part of the diphthong, not on "a" as it is in the word **L'Oréal**:

FOREAL Foréal by Mikhail [fo  re  al] and it is opposite in
L'Oréal [l'o  re  al].

4. **L'Oréal** is a noun; **FOREAL Foréal by Mikhail** is a prepositional sentence.

37. At the time of filing the application for Applicant's Mark, Applicant signed a declaration stating that "to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in identical form thereto or in such new [sic] resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive".

Admitted in part and denied in part.

Admitted that Applicant signed the declaration.

Denied the rest. Applicant still believes that his mark does not cause confusion, mistake, or deceives.

38. Applicant signed such declaration despite being aware of Opposer's existing registrations for L'OREAL and common law use of L'OREAL in connection with cosmetics in general, and specifically despite being aware of Opposer's registration for L'OREAL for goods that are identical or very closely related to goods identified in Applicant's application, namely, anti-aging creams.

Admitted in part and deny in part.

Admitted that Applicant signed the declaration.

Denied that it Opposer's registration for L'OREAL for goods are identical or very closely related to goods identified in Applicant's application, namely, anti-aging creams.

As a matter of fact, **FDA** prohibited L'Oreal from improper use and advertizing its "anti-aging products".

39. Applicant has never manufactured or sold anti-aging creams.

Denied. Applicant has approached Opposer by a direct marketing campaign with his product in 2010.

A copy of the reference is incorporated by references and respectfully attached as Exhibit A.

40. Applicant has no capacity and/or intention to manufacture or sell anti-aging creams.

Denied. Opposer has insufficient information make this statement.

Opposer required to define "capacity" and to provide the proof to the statement.

41. To the extent that Applicant intends to offer anti--aging creams under Applicant's Mark, Applicant chose the name FOREAL FOREAL because consumers associate that mark with Opposer's L'Oreal name, Opposer's L'OREAL Mark and Opposer's Marks, and/or with Opposer.

Denied. Was asked and answered.

42. To the extent that Applicant intends to offer anti-aging creams under Applicant's Mark, Applicant intends to trade on the goodwill and brand awareness developed by Opposer in Opposer's L'OREAL Mark and Opposer's Marks.

Denied. Was asked and answered.

43. Prior to applying for Applicant's Mark, Applicant was aware that Opposer sells personal care products, including but not limited to skin creams, anti-aging creams, and cosmetics.

Admitted in part and denied in part.

Admitted that Applicant was aware that Opposer sells personal care products, including but not limited to skin creams.

Denied about "anti-aging" creams as it requires a proper definition before the discussion.

44. Consumers encountering Applicant's Mark in the marketplace are likely to associate the mark with Opposer, with Opposer's L'OREAL Mark and/or with Opposer's Marks.

Denied. Was asked and answered. Unfortunately, Applicant cannot read consumers mind.

45. Prior to applying for Applicant's Mark, Applicant was aware that consumers would be likely to believe that anti-aging cream offered under Applicant's Mark emanates from the same source as personal care products offered under Opposer's L'OREAL Mark or Opposer's Marks, or are approved by or affiliated with L'Oreal.

Denied. Was asked and answered. Unfortunately, Applicant cannot read consumers mind.

46. Applicant is not aware of any mark other than Opposer's that utilizes L'OREAL.

Agreed.

47. Applicant is not aware of anyone using FOREAL, F'OREAL, FOR'EAL, FOREAL or F'OREAL as a trademark.

Agreed, Applicant is not aware of anyone using FOREAL but Applicant.

Dated: December 11, 2012

Respectfully submitted,
By: /Mikhail Levitin/
Mikhail Levitin
P.O. Box 102, Reeders, PA 18352
(570) 872-7962

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the APPLICANT'S ANSWER TO OPPOSER'S

FIRST SET OF REQUESTS FOR ADMISSIONS has been served upon

Edith R. Lopez | Paralegal

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edithlopez@paulhastings.com | www.paulhastings.com,

by electronic transmission, as mutually agreed upon by the parties, and by depositing a true copy of the same with the U.S. Postal Service, first-class mail, postage prepaid, on December 11, 2012.

Dated: December 11, 2012

Respectfully submitted,

By: /Mikhail Levitin/

Mikhail Levitin

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by electronic transmission, as mutually agreed upon by the parties, and by depositing a true copy of the same with the U.S. Postal Service, first-class mail, postage prepaid, on November 12, 2012.

Dated: December 11, 2012

Respectfully submitted,
By: /Mikhail Levitin/
Mikhail Levitin
P.O. Box 102
Reeders, PA 18352
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MIKHAIL LEVITIN T/A MIKHAIL
LEVITIN INSTITUTE,

Applicant.

APPLICANT'S ANSWER TO OPPOSER'S FIRST SET OF DOCUMENT REQUESTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120, Opposer L'Oreal S.A. and L'Oreal USA, Inc. (collectively, "L'Oreal" or "Opposer") hereby requested that Applicant Mikhail Levitin t/a Mikhail Levitin Institute ("Levitin" or "Applicant") produce the documents and things requested below for inspection and copying to L'Oreal at the offices of Paul Hastings LLP, 75 East 55th Street, New York, NY 10022, or at such other place as agreed to by the parties within thirty (30) days from the date of service.

Asked and answered.

For the convenience of the Board and Opposer each request will be quoted in full immediately preceding the response.

The Definitions and Instructions contained in Opposer's First Set of Interrogatories served herewith are incorporated by reference and shall apply to these requests.

REQUESTS FOR DOCUMENTS AND THINGS

REQUEST NO. 1:

All documents and tangible things identified or requested to be identified or comprising the information used, referenced or otherwise incorporated in response to Opposer's First Set of Interrogatories.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 2:

All documents referring or relating to Applicant's consideration of marks and selection and clearance of Applicant's Mark, including but not limited to, searches, investigations, surveys, studies, research, polls, reports and opinions that Applicant has ever conducted, received, or seen concerning the availability for use and/or registration of FOREAL FOREAL BY MIKHAIL or variations thereof.

Admitted to respond to the request for documents related to **MARK:** FOREAL Foréal by Mikhail as that it has been filed under assigned serial number '85270272'.

REQUEST NO. 3:

All documents referring or relating to Applicant's consideration of goods or services to be offered in connection with the FOREAL FOREAL BY MIKHAIL Mark, including but not limited to, searches, investigations, surveys, studies, research, polls, reports and opinions.

Denied. Unable to agree or disagree because Applicant has not applied for FOREAL FOREAL BY

MIKHAIL Mark.

REQUEST NO. 4:

All documents evidencing Applicant's bona fide intent to use Applicant's Mark in the United States on or in connection with anti-aging cream.

All documents would be almost impossible to produce as it only available in the KGB archives.

REQUEST NO. 5:

All market surveys, studies or other reports concerning consumers of products intended to be sold in connection with Applicant's Mark.

All documents would be almost impossible to produce as it only available in the KGB archives.

REQUEST NO. 6:

Documents sufficient to identify the classes or types of consumers of products intended to be offered, sold, advertised and/or promoted in connection with Applicant's Mark.

Everyone over 21 who is in need in the external nutritional supplementation due to the subjectively premature aging in his or her appearance.

REQUEST NO. 7:

Documents sufficient to identify the channels of trade for products intended to be offered, sold, advertised and/or promoted in connection with Applicant's Mark.

There are no documents necessary as a trade is vulnerable to the market changes.

REQUEST NO. 8:

Documents sufficient to identify all retail locations, including but not limited to drug stores, salons, offices, and supermarkets, where Applicant intends to offer, sell, advertise, or promote products in connection with Applicant's Mark.

There is no physical locations in the requested forms are available.

REQUEST NO. 9:

Documents sufficient to identify all types of media (including but not limited to newspapers, magazines, professional and trade journals, direct mail advertising, radio, television, and the Internet) in which Applicant intends to advertise, promote, offer, feature, display, or anti-aging cream under Applicant's Mark.

Unable to admit or deny as it has not been defined and agreed upon the proper use of meaning "anti-aging" claim.

REQUEST NO. 10:

Documents sufficient to show all forms and all manners of appearance in which Applicant has depicted, displayed, and/or used, or intends to depict, display and/or use Applicant's Mark, including but not limited to all designs, logos, and stylizations.

Applicant's Mark, including but not limited to all designs, logos, and stylizations are Guided by the Application Serial No. 85/270,272, everything else is not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 11:

Documents sufficient to show all forms and all manners of appearance in which Applicant has depicted, displayed, and/or used, or intends to depict, display and/or use Applicant's packaging and trade dress, including but not limited to all designs, logos, and stylizations.

The copy of the document is incorporated by the reference and attached as Exhibit C.

REQUEST NO. 12:

All documents referring or relating to the date when and circumstances under which Applicant first became aware of Opposer and Opposer's L'OREAL Mark and Opposer's Marks.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 12:

All documents comprising, referring, or relating to investigations, surveys, research, polls, focus groups, or opinions that Applicant has ever conducted, received, or seen concerning confusion or

the likelihood of confusion between Applicant's Mark and Opposer's L'OREAL Mark or Opposer's Marks, between Applicant and Opposer, and/or between Applicant's products and Opposer's products.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 13:

All documents comprising, referring, or relating to investigations, surveys, research, polls, focus groups, or opinions that Applicant has ever conducted, received, or seen concerning dilution or the likelihood of dilution of Opposer's L'OREAL Mark or Opposer's Marks due to Applicant's use or intended use of Applicant's Mark,

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 14:

All documents comprising, referring, or relating to investigations, surveys, research, polls, focus groups, or opinions concerning the level of fame or recognition of L'Oreal's trade name or Opposer's L'OREAL Mark or Opposer's Marks, or any other mark associated with L'Oreal.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 15:

All documents comprising, referring, or relating to communications, inquiries, or comments to or from any person referring or relating to Opposer or Opposer's L'OREAL Mark or Opposer's Marks.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 16:

Documents referring or relating to judicial and/or administrative proceedings in any forum referring or relating to Applicant's Mark or any portion, part, feature, element, or component of Applicant's Mark.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 17:

Documents comprising, referring, or relating to agreements between Applicant and any third party concerning the use and/or registration of Applicant's Mark, including but not limited to, license agreements, consent agreements, coexistences agreements, assignments, and settlement agreements.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 18:

Documents sufficient to identify any and all of Applicant's related companies, including predecessors-in-interest, successors-in-interest, parent, subsidiary, and sister corporations, and sufficient to indicate whether any of those related companies uses Applicant's Mark.

Non.

REQUEST NO. 20:

All documents relating to the term L'OREAL or to Opposer L'Oreal not produced in response to any of Opposer's other requests for documents and things.

Not available as it has been destroyed by Hurricane Sandy.

REQUEST NO. 21:

A copy of the complete file history of Application Serial No. 85/270,272.

Not available as it has been destroyed by Hurricane Sandy.

Dated: December 11, 2012

Respectfully submitted,
By: /Mikhail Levitin/
Mikhail Levitin
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