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

Proceeding	91205046
Party	Plaintiff Christina Sukljian
Correspondence Address	CHRISTINA SUKLJIAN 13 MANOR STREET ALBANY, NY 12207 UNITED STATES info@zela.com
Submission	Opposition/Response to Motion
Filer's Name	Christina Sukljian
Filer's e-mail	info@zela.com
Signature	/Christina Sukljian/
Date	01/25/2013
Attachments	Opposers Response to Motion and Opposers Motion to Compel Applicant Opposition 91205046.pdf ( 132 pages )(6085003 bytes )



of which is annexed hereto as Exhibit A; and

2. Produce documents in response to Christina Sukljian's First Request for the Production of Documents to Applicant, which were served on November 24, 2012 by USPS Priority Mail ("Document Requests"), a copy of which is annexed hereto as Exhibit B. (The aforementioned Interrogatories and Document Requests are collectively referred to herein as the "Discovery Requests").

Christina Sukljian further requests that judgment be denied in its entirety against Applicant, Ate My Heart, Inc., in the above aforementioned matters and in favor of Opposer, Christina Sukljian.

### **PRELIMINARY STATEMENT**

Opposer Christina Sukljian has respectfully and fully complied to answer discovery and has answered every one of Applicant's Discovery Requests within 30 days of service.

On March 5, 2012 Applicant Ate My Heart, Inc., in bad faith, filed a harassing Petition to Cancel a valid and active U.S. Registered Trademark, GAGA PURE PLATINUM® as a retaliatory, frivolous, fraudulent and vexatious action because Opposer exercised her rights to police and protect her U.S. Registered Trademark.

Applicant has failed to produce any documents, evidence or meaningful responses to Opposer's Discovery Requests. This is not the first time Applicant has evaded its responsibility to provide meaningful discovery. In fact, in the cancellation action, which is now consolidated herein, Applicant completely ignored Opposer's Discovery Requests and did not even respond even though Opposer made every possible good faith effort to resolve this discovery dispute and allowed Applicant an additional two weeks to respond without motion practice. Applicant gave no assurance whatsoever, neither through telephone, email or written letter communication that it would ever respond to the Discovery Requests. Opposer was left with no other option but to move to compel by an order dated January 23, 2013.

Applicant is once again shirking its obligations under the TBMP and the Federal Rules of Civil Procedure by failing to respond to Christina Sukljian's Discovery Requests served in connection with the

Opposition. Given the recent actions by Applicant, Christina Sukljian is not optimistic that Applicant will cooperate in discovery and provide meaningful responses and documents to Christina Sukljian. Thus, in accordance with TBMP §523.02 and 37 CFR §2.120(e), Christina Sukljian respectfully requests that its Motion to Compel be granted in its entirety.

## **STATEMENT OF FACTS AND RESPONSES**

### **Christina Sukljian and her GAGA PURE PLATINUM® Trademark**

GAGA PURE PLATINUM® is a continuously and continually used federally registered trademark, used in commerce up to present date, U.S. Registration No. 2898544 in International Class 003, invented and created in the year 2000, filed for registration on August 22, 2001 and registered on November 2, 2004 with a date of first use in commerce of June 7, 2001, owned by the internationally recognized cosmetics and beauty industry maven and second generation cosmetics purveyor, Christina Sukljian p/k/a Cristina Samuels and is valid and in full force and effect and has become incontestable under Section 15 of the Lanham Act. A true and correct copy of the USPTO Certificate of Registration and the USPTO Notice of Acceptance and Acknowledgement of Sections 8 & 15 of the Trademark Act is annexed hereto as Exhibit C. Christina Sukljian p/k/a Cristina Samuels has more than 17 years of experience in the cosmetics industry with a broad background in product development, marketing and sales. Before joining Zela International formally in 1995 she honed her skills and was educated in all facets of the cosmetics industry in her family cosmetics company, Zela International. In 1996 she joined the marketing team and developed and implemented innovative product packaging and marketing programs to increase the company's sales and profits for various color cosmetics lines including Mode Couleurs and Little Gems. Under her leadership she created MODE, a natural color cosmetics line which pioneered the use of natural ingredients with fashion forward style, the first concept of its kind in the industry.

In 2000 Christina Sukljian p/k/a Cristina Samuels spearheaded the creation of GAGA PURE PLATINUM®, an avant-garde, unisex cosmetics brand. Named after her brother's childhood nickname Gaga, GAGA PURE PLATINUM® combined fashion, style and art with passion for color. Information regarding GAGA PURE PLATINUM® has been publicly and readily available for years on [WWW.ZELA.COM](http://WWW.ZELA.COM). [WWW.ZELA.COM](http://WWW.ZELA.COM) has been available since 1999. Also, information regarding GAGA PURE PLATINUM® has been publicly and readily available on [WWW.GAGAPUREPLATINUM.COM](http://WWW.GAGAPUREPLATINUM.COM). Christina Sukljian p/k/a Cristina Samuels has achieved prominence and accolades in the global cosmetics industry and has gained the attention of leading journalists and beauty editors of both consumer and industry magazines, including *Allure*, *GCI*, *Drug Store News*, and *WWD*, beauty & fashion websites and bloggers, including *Bella Sugar*, media appearances, and her efforts have been recognized by ABC World News with Diane Sawyer's Made In America series. She has been lauded for her fresh perspective in the beauty industry and as a result of her efforts and achievements she has garnered the distinct honor and recognition of *GCI*® magazine (*Global Cosmetic Industry* magazine) as being selected as 1 of '20 To Know' in the global cosmetics industry and as a member of the magazine's advisory board. *GCI*® magazine has stated, "*Cristina Samuels epitomizes the strengths of the beauty industry – continuity and tradition propelled by innovation and evolution.*"

GAGA PURE PLATINUM®'s originality and uniqueness of the coined and invented mark, invented by Christina Sukljian p/k/a Cristina Samuels establishes it as a commercial brand name and as a result GAGA PURE PLATINUM® is uniquely associated with Christina Sukljian p/k/a Cristina Samuels. GAGA PURE PLATINUM® has continuously used the GAGA PURE PLATINUM® mark in interstate commerce on or in connection with the goods and services covered by the respective registration, namely cosmetics in international class 3, since the date of first used alleged therein.

As a result of the unique association of the GAGA mark to the GAGA PURE PLATINUM® brand in class 3, Applicant's effort's to register applied for marks, LADY GAGA Serial No. 85115004 filed on August 24, 2010, and LADY GAGA FAME Serial No. 85282752 filed on March 21, 2011 have

been unsuccessful and both refused and denied registration by the USPTO under Section 2(d) of the Trademark Act due to likelihood of confusion with GAGA PURE PLATINUM®. Applicant's 3<sup>rd</sup> (third) attempt to register an intent-to-use mark in class 3, HAUS OF GAGA Serial No. 85215017 filed on January 11, 2011, resulted in Opposer Christina Sukljian's Opposition No. 91205046 due to Christina Sukljian's exercising her rights in policing her Registered Trademark. Christina Sukljian p/k/a Cristina Samuels is vigilant in policing her GAGA PURE PLATINUM® Trademark and is resolute in the pursuit of infringers of her intellectual property and those who attempt to trade off and dilute the distinctiveness associated with the GAGA PURE PLATINUM® brand.

**Applicant's Self Admitted Harassing, Fraudulent and Vexatious Petition to Cancel Proceeding**

On March 5, 2012 Applicant Ate My Heart, Inc., in bad faith, filed a harassing Petition to Cancel a valid and active U.S. Registered Trademark, GAGA PURE PLATINUM® as a retaliatory, frivolous, fraudulent and vexatious action because Opposer exercised her rights to police and protect her U.S. Registered Trademark. Opposer has filed Letters of Protest against LADY GAGA Serial No. 85115004, LADY GAGA FAME Serial No. 85282752, and HAUS OF GAGA Serial No. 85215017, filed an extension of time to oppose application no. 85215017, and ultimately filed a Notice Of Opposition against Ate My Heart, Inc. for the applied for mark, HAUS OF GAGA, Opposition No. 91205046 for which, by order of the Board dated February 29, 2012, Christina Sukljian, owner of the Registered Trademark GAGA PURE PLATINUM®, was allowed until May 2, 2012 in which to oppose the above-reference application. The GAGA PURE PLATINUM®, registered trademark is not abandoned, has never been abandoned, is in continual use and is valid and in full force and effect and has become incontestable under Section 15 of the Lanham Act. For years, GAGA PURE PLATINUM's® cosmetics goods and information have been readily available on [WWW.ZELA.COM](http://WWW.ZELA.COM), which has been available as early as 1999, and [WWW.GAGAPUREPLATINUM.COM](http://WWW.GAGAPUREPLATINUM.COM) both of which are public information and have been and are easily accessible to the worldwide public at large. Annexed hereto is Exhibit D. Applicant ignored

and continues to ignore readily available public information and in fact Applicant admitted to knowing these facts to Opposer on the telephone. Applicant completely disregarded, paid no attention to and turned a blind eye to the facts. Having full knowledge of these facts and undeniable evidence of use by Opposer, Applicant, in its bad faith and arrogant attempt to blatantly deceive and manipulate The Board and harass and vex the Opposer, has deliberately filed a bad faith Petition to Cancel with the Board in its efforts to harass the Opposer, stymie Christina Sukljian's Opposition No. 91205046 and manipulate and deceive the Board with a retaliatory, frivolous petition and thereby wasting the valuable time, energy, money and resources of both the Board and Opposer.

Therefore, on August 14, 2012, Applicant's attorneys stated and admitted to the Opposer Christina Sukljian on the telephone that had she not actively monitored, policed and protected her trademark by filing an extension of time to oppose application no. 85215017 on February 1, 2012, and ultimately the Notice of Opposition No. 91205046 filed on May 2, 2012, as is Opposer's right and obligation to do so, Applicant would not have filed a harassing Petition to Cancel in retaliation which was filed over a month later on March 5, 2012. Applicant has failed to obtain a trademark registration in class 3 for its applied for marks HAUS OF GAGA Serial No. 85215017, LADY GAGA Serial No. 85115004 and LADY GAGA FAME Serial No. 85282752 because its marks infringe on the intellectual property rights of Opposer and Opposer's trademark GAGA PURE PLATINUM® is a Registered Trademark and already exists long prior to Applicant's existence. GAGA PURE PLATINUM® has had valid trademark use for more than 12 years, and Applicant filed a deliberate, harassing, frivolous, fraudulent and vexatious Petition to Cancel in order activate a cancellation proceeding before the Board due to the fact that Opposer filed a Notice Of Opposition No. 91205046 to prevent the registration of a mark that infringes on the intellectual property rights of the Opposer.

On August 29, 2012 Applicant's harassing demands to Opposer to relinquish all legal and intellectual rights owned by Opposer including the GAGA PURE PLATINUM Trademark® and all intellectual property associated with the Registered Trademark were directed to the Opposer in

Applicant's harassing attempt to further their manipulative efforts in attempting to gain a registration with the USPTO. Opposer rejected Applicant's harassing demands via written letter.

### **Applicant's False, Defamatory, And Libelous Statements To The Public About Opposer**

On June 26, 2012 Applicant stated false, defamatory and libelous statements to the public at large, via a public statement sent to columnist Michael Musto and published on The Village Voice [http://blogs.villagevoice.com/dailymusto/2012/06/lady\\_gaga\\_accus.php](http://blogs.villagevoice.com/dailymusto/2012/06/lady_gaga_accus.php), and stated as follows: *"Lady Gaga and her companies respect intellectual property and would never infringe on anyone's rights. But this particular trademark hasn't been used in what appears to be years. In fact, Lady Gaga's counsel tried several times to speak to the original owners about their alleged use of their mark in an effort to find a way to amicably coexist. There was never a response."* Applicant falsely stated to the public at large in a defamatory and libelous manner to harm the reputation and business of Opposer and the GAGA PURE PLATINUM® brand by falsely stating to the public at large that Opposer's trademark, GAGA PURE PLATINUM® is not being used and falsely stating to the public at large that the Applicant contacted the Opposer numerous times in an effort to coexist. To prevent further falsities, Opposer released the following statement of facts to Michael Musto at The Village Voice: *"The Gaga Pure Platinum trademark has been and continues to be in use. Lady Gaga's counsel never contacted Gaga Pure Platinum nor did we ever receive any communication from Lady Gaga nor it's representatives. No effort to communicate was ever made, only a court action."* Annexed hereto is Exhibit E. It is a fact that Opposer's GAGA PURE PLATINUM® registered trademark is in continual use and Applicant never communicated with Opposer as they stated publicly prior to Applicant's court action; the Petition to Cancel No. 92055279 action filed on March 5, 2012.

### **Compromised Safety of Opposer**

On June 28, 2012 Applicant's attorneys stated and admitted to Opposer on the telephone that they 'sent someone' to Opposer's offices with no further particulars as to whom, when or the reason for

'sending someone' nor any further elaboration as to the meaning of their statement and therefore could only be implied as a threatening form of harassment, intimidation and stalking in nature that compromises the safety of Opposer Christina Sukljian.

### **Opposer Fully Cooperated And Answered Discovery To Applicant Within 30 Days Of Service**

On December 6, 2012 Opposer respectfully and fully provided and answered discovery within 30 days of service. All of the Applicant's twenty-one interrogatories and all of the Applicant's seventy document requests were answered by Opposer. The general objections raised and stated by Opposer in the discovery answers were applied to Applicant's discovery interrogatories and document requests. Opposer objected to Applicant's discovery and interrogatory requests because they cause the requests to be overly broad and global, vague and ambiguous, unduly burdensome, and to seek information protected from disclosure by the attorney-client, work product, party communications, investigative and consulting expert privileges. Applicant has full knowledge and is fully aware of the readily available and easily accessible public information and the fact that GAGA PURE PLATINUM® has continuously been used in commerce. Applicant ignored and turned a blind eye to the facts and readily available public information. Applicant is continuously harassing Opposer with a frivolous, fraudulent and vexatious Petition to Cancel Proceeding in a blatantly arrogant attempt to deceive, manipulate and waste the Board's and Opposer's valuable resources, time and energy and money.

### **Applicant's Refusal to Provide Any Discovery**

#### **1. Applicant Has Not Cooperated In Discovery In The Cancellation Action**

On December 5, 2012, in the Cancellation Action, Christina Sukljian served its Interrogatories and Document Requests upon Applicant. Accordingly, Applicant's responses were due by January 9, 2013, which included five extra days for delivery of service. No response whatsoever was received. Applicant is well aware of its obligations under the TTAB and Federal Rules to respond to Christina Sukljian's Discovery Requests, but Applicant Ate My Heart, Inc. continues to evade discovery. Opposer

has allowed an additional two weeks for Applicant to respond without motion practice. Applicant Ate My Heart, Inc has given no assurance whatsoever, neither through telephone, email or written letter communication that it would ever respond to Opposer's Discovery Requests. Applicant's responses to Christina Sukljian's Interrogatories and Document Requests are essential to determining how Applicant has actually been using, intends on using, or in fact ever intends to use its applied for mark since the date it averred in Applicant's Application and to determine the extent to which Applicant has and continues to infringe on Opposer's intellectual property. Applicant should be compelled to provide Christina Sukljian with verified responses to its Interrogatories and responses to its Document Requests.

## **2. Applicant Is Not Cooperating In Discovery In The Opposition Action**

Applicant was served with Opposer Christina Sukljian's Discovery Requests in this matter on November 24, 2012. Applicant served meaningless responses and no documents whatsoever were produced. Annexed hereto is Exhibit F.

### **ARGUMENT**

As set forth in Opposer Christina Sukljian's Discovery Requests, attached hereto as Exhibits A and B, Christina Sukljian requested that Applicant Ate My Heart, Inc. produce information and documents to prove Applicant's intended uses or any uses of Applicant's applied for intent-to-use mark on each of the items identified in Applicant's application. The items responsive to Christina Sukljian's Discovery Requests include but are not limited to information and documents relating to product development, product designs, packaging designs, product samples, name selection, logos, color schemes, intended customers and retailers, intended manufacturers and distributors, contracts or licenses relating to the intended use of the applied for mark. None of these items were provided. In fact, Applicant did not provide any evidence whatsoever relating to any intention of using the applied for mark, Haus of Gaga, as filed under oath in Applicant's Application No. 85215017. Applicant is not answering or providing

meaningful answers and evidence to Opposer Christina Sukljian's Discovery Requests because Applicant Ate My Heart, Inc. does not want to reveal that Applicant has no intention of using its applied for mark. Applicant's only intention is to harass and infringe on the intellectual property and rights of the Opposer's Registered Trademark, GAGA PURE PLATINUM®.

Applicant is relying on Applicant's Application in its Petition to Cancel Opposer Christina Sukljian's Registered Trademark and Christina Sukljian's Notice of Opposition. Applicant's responses to Christina Sukljian's Interrogatories and Document Requests are essential to determining how or whether Applicant has actually been using, intends on using, or even ever intends to use its applied for mark since the date it averred in Applicant's Application and to determine the extent to which Applicant has and continues to infringe on Opposer's intellectual property. Applicant should be compelled to provide Christina Sukljian with verified meaningful responses and evidence to its Interrogatories – without objections on the merits - and meaningful responses and evidence to its Document Requests.

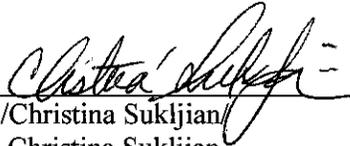
\* \* \* \* \*

WHEREFORE, for the reasons set forth herein, Opposer Christina Sukljian's motion to compel should be granted in its entirety and Applicant should be compelled to: (a) provide verified meaningful responses to Christina Sukljian's Interrogatories; and (b) produce meaningful documents and evidence in response to Christina Sukljian's Document Requests.

Opposer Christina Sukljian respectfully requests that judgment be denied in its entirety against Ate My Heart, Inc. and Applicant's motion to compel be denied in its entirety and judgment be granted in favor of Christina Sukljian.

Dated: Albany, New York  
January 25, 2013

Respectfully Submitted,

By:   
/Christina Sukljan/  
Christina Sukljan  
GAGA PURE PLATINUM  
13 Manor Street  
Albany, New York 12207

**CERTIFICATE OF PROOF OF SERVICE**

I hereby certify that a true and correct copy of the foregoing OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO COMPEL AND OPPOSER'S MOTION TO COMPEL APPLICANT TO: (A) PROVIDE ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES AND (B) PRODUCE DOCUMENTS IN RESPONSE TO OPPOSER'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS has been served on Ate My Heart, Inc. by mailing said copy on January 25, 2013 via The United States Postal Service Priority Mail with Signature Confirmation in a USPS Priority Mail Envelope postage prepaid to: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

By: 

/Christina Sukljan/

Christina Sukljan

13 Manor Street

Albany, NY 12207

Date of Deposit: January 25, 2013  
USPS Priority Mail

**CERTIFICATE OF MAILING THROUGH ESTTA**

I, Christina Sukljian, hereby certify that this **OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO COMPEL AND OPPOSER'S MOTION TO COMPEL APPLICANT TO:**

**(A) PROVIDE ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES AND**

**(B) PRODUCE DOCUMENTS IN RESPONSE TO OPPOSER'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS** is being filed electronically through ESTTA with The Trademark Trial And Appeal Board, United States Patent And Trademark Office, Alexandria, VA 22313-1451 on the date indicated below.

Date of Deposit: January 25, 2013

  
Signed: /Christina Sukljian/

# EXHIBIT A

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

In the Matter of Application Serial No. 85215017  
Mark: HAUS OF GAGA  
Published in the Official Gazette on January 3, 2012

-----X  
Christina Sukljian, :  
 :  
Plaintiff : Opposition No. 91205046  
 :  
v. :  
 :  
Ate My Heart Inc., :  
 :  
Defendant. :  
-----X

**PLANTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT**

Pursuant to Trademark Rule of Practice 2.120 and Federal Rules of Civil Procedure 26 and 33, Plaintiff Christina Sukljian, hereby requests that Defendant, Ate My Heart Inc., answer the following interrogatories fully and under oath and produce the documents specified therein that are in its possession, custody or control for inspection and copying at the offices of Christina Sukljian, 13 Manor Street, Albany, New York 12207, within thirty (30) days of the date of service hereof.

**DEFINITIONS**

A. The term "Defendant" refers to Ate My Heart, Inc. and any and all companies, employees, partners, affiliates, agents, assigns, representatives, attorneys or other persons or entities acting on her behalf or under their control, whether in the past or the present.

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B. The term "Plaintiff" refers to Christina Sukljian.

C. The term "Defendant's Goods" refers to each of the items set forth in Defendant's Application Serial No. 85215017 for the applied for mark HAUS OF GAGA, Application Serial No. 85115004 for the applied for mark LADY GAGA and Application Serial No. 85282752 for the applied for mark LADY GAGA FAME.

D. The term "Defendant's Marks" refers to the applied for marks HAUS OF GAGA as set forth in Defendant's Application Serial No. 85215017, the applied for mark LADY GAGA as set forth in Defendant's Application Serial No. 85115004, and the applied for mark LADY GAGA FAME as set forth in Defendant's Application Serial No. 85282752.

E. The term "Applications" refers to Defendant's Applications Serial No's. 85215017, 85115004, and 85282752.

F. The term "Action" refers to the instant opposition proceeding brought by Plaintiff against Defendant's Application before the Trademark Trial and Appeal Board (Action No. 91205046).

G. The term "Plaintiff's Mark" refers to the registered mark GAGA PURE PLATINUM®.

H. The term "Answer" refers to the Answer filed by Defendant on June 14, 2012 to the Notice of Opposition instituted by Plaintiff.

I. The term "Identify" when used in reference to: (a) a natural person, means to provide that person's name, address, telephone number, place of employment and/or occupation, job title, and business address and telephone number; and (b) a corporation, means to list the state of incorporation, address, telephone number, and the names of all officers and directors with whom you have dealt in connection with the matters raised by the Complaint and Answer.

J. Unless specifically stated otherwise, the term "document" has the broadest meaning accorded to it and includes all written, typewritten, printed or recorded matter (however produced or reproduced or stored) of every kind and description in the actual or constructive possession, custody, care or control of any party or agent of the party called upon to produce documents pursuant to these requests, including, but not limited to, the following: notes; communications; electronic mail communications; e-mails, facsimile transmissions; memoranda; reports; letters; sound recordings; albums; compact discs; tapes (audio, video, computer and/or other); bank statements and checks; agreements; contracts; transcripts or notes of conversations or meetings; minutes of meetings (with any attachments referenced therein); statements; resolutions; directives; reports; employment, payroll and/or salary records; deposition and trial transcripts; papers filed in court and/or arbitral forums; and legal instruments. The term "document" shall include both drafts and final versions, whether executed or not. Each copy of a document which contains any separate notations or writings thereon shall be deemed to be a separate document for purposes of these requests.

K. The term "concerning" means referring to, alluding to, relating to, connected with, supporting, commenting on, in respect of, about, regarding, discussing, showing, describing, mentioning, analyzing, reflecting and/or constituting.

L. The term "communication" means the transmittal of information in the form of facts, items, inquiries, opinions or otherwise.

M. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of each request all responses that might otherwise be construed to be outside its scope.

N. The term "all" shall include "each" and "any," and the terms "each" and "any" shall include "all."

O. Reference in the singular shall include the plural, and reference to the plural shall include the singular.

### **INSTRUCTIONS**

1. In responding to these interrogatories, you are required to furnish all information available to you and any of your representatives, employees, agents, investigators or attorneys and to obtain and furnish all information that is in your possession, custody or control or in the possession, custody or control of any of your representatives, employees, agents, investigators or attorneys. If your response is that the requested information is not within your possession or custody, please: (a) describe in detail the unsuccessful efforts you made to obtain such information; and (b) identify who has control and the location of the information.

2. If any of these interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for the inability to answer the remainder and stating whatever information, knowledge or belief you have concerning the unanswered portion.

3. If any interrogatory is not fully answered on the grounds of a claim of privilege, support for the claim of privilege must be provided, including identification of the persons present each time the information responsive to the interrogatory was discussed, a description of the information sufficient to allow the claim of privilege to be evaluated, and the basis for the claimed privilege.

4. These interrogatories shall be deemed continuing, so as to require additional responses if further information responsive to these interrogatories is obtained after the time the

responses are served. Such additional responses shall be served from time to time, but not later than twenty (20) days after such information is received.

5. Each objection to these interrogatories shall state with specificity the grounds for such objection, and the failure to specify the grounds for each objection within the time provided by the Federal Rules of Civil Procedure shall render the objection waived.

6. If any Document that would be responsive to a discovery request has been lost, discarded or destroyed, identify the Document as completely as possible, providing as much of the following information as possible: (a) the type of Document; (b) a description of the Document; (c) the approximate date it was lost, discarded or destroyed; (d) the circumstances and manner in which it was lost, discarded or destroyed; (e) the reason(s) for disposing of or discarding the Document; (f) the identity of the person who lost, discarded or destroyed the Document; (g) the identity of any person authorizing or having knowledge of the circumstances surrounding losing, discarding or destroying the Document; and (h) the identity of any person having knowledge of its contents. In addition, identify any Document reflecting any of the information sought above.

7. If Defendant has no information about the subject of a particular interrogatory, or if for some reason Defendant is unable to answer the interrogatory, the response to that interrogatory should specifically so state, and no interrogatory should be without some response. If Defendant has some information now available that would be responsive, it should provide the information it now has and should specifically state when the balance of the information will be provided. The fact that a full answer cannot be given is not a basis for Defendant to fail to provide such information as is available at the time of the response to these interrogatories.

8. Pursuant to Federal Rule of Civil Procedure 33(d), in lieu of describing or identifying a document, Defendant may produce a copy of that document and identify the interrogatory to which it is furnished in response.

### **INTERROGATORIES**

1. Identify all customers of Defendant's Goods sold in connection with Defendant's Applied for Marks, LADY GAGA, LADY GAGA FAME and HAUS OF GAGA each year from alleged first date use in commerce, 2010, broken out by year and Goods stated on each application.

2. Identify persons having knowledge or information concerning any of the facts Defendant's relied on in its Answer or otherwise at issue in this Action, and describe, with respect to each such person: (a) the information that each such person possesses; and (b) his/her relationship to the parties to this action.

3. Specify the amount of (a) sales; (b) revenues; (c) profits; and (d) advertising and promotional expenditures for all of Defendant's Goods sold that bear Defendant's Marks that have been by Defendant in the United States each year from the first date alleged in the Applications to present broken out by year and Goods.

4. Describe in detail the actual use of Defendant's Marks on Defendant's Goods by identifying each type of item that bears Defendant's Marks and identifying the manner in which Defendant's Marks are affixed to or used in connection with each such item as listed and stated under oath and alleged under goods and services on the applications for LADY GAGA, LADY GAGA FAME and HAUS OF GAGA.

5. Identify the date of first use in the United States of Defendant's Marks on each item identified in the Applications.

6. For each of Defendant's Goods bearing or offered in connection with Defendant's Mark in the United States, please state the following:

(a) Defendant's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;

(b) Defendant's targeted consumer group and/or targeted demographics;

(c) The price points at which Defendant's Goods bearing Defendant's Marks are sold to consumers; and

(d) The amount of money Defendant has earmarked or dedicated to the manufacture and, separately, the promotion of the Respondent's Goods bearing Respondent's Mark for 2012.

7. For each type of item identified in response to Interrogatory No. 7 above, state Defendant's annual volume of business in the United States by identifying the annual volume of sales in units and dollars from the date of first sale(s) to the date of Defendant's response.

8. Identify any and all persons Defendant has authorized, licensed or otherwise granted the right to use Defendant's Marks in commerce in connection with Defendant's Goods. For each person identified, identify the date of commencement and termination of each such authorization, license or grant, and identify any written license agreements or franchise agreements granting rights to use Defendant's Marks

9. Identify all cease and desist demand letters and responses thereto, litigations, trademark actions or proceedings, ICANN proceedings and/or other challenges concerning

Defendant's Marks in any way. When responding to this interrogatory, include: (a) the dates of such challenge; (b) the third-party mark involved; (c) the adversarial party; and (d) the outcome of each challenge.

10. Identify all of Defendant's market competitors for Defendant's Goods and state why Defendant believes that each identified entity is a competitor.

11. Identify the total number of sales of all Defendant's Goods bearing Defendant's Marks each year from alleged first use in commerce to the present and identify projected sales for each and every one of Defendant's alleged intent to use Goods listed as stated on applications.

12. Identify the first date that Defendant's began selling all of Defendant's alleged Goods on Ladygaga.com, hausofgaga.com, ladygagafame.com, and any other website or retailer.

13. Identify the registration date of Defendant's Facebook account for LADY GAGA, HAUS OF GAGA, and LADY GAGA FAME.

14. Identify and describe the relationship between Defendant, and any and all other companies, individuals, partners, affiliates, advisors, consultants, attorneys, entities, subsidiaries, officers, agents, licensees, parent companies, employees, managers, promoters, manufacturers, distributors, wholesalers, retailers, resellers, franchisees, or other persons or entities acting on Defendant's behalf or under its control associated with the LADY GAGA, HAUS OF GAGA, and LADY GAGA FAME applied for marks.

15. Identify each item sold by or on behalf of Defendant since alleged first date use, 2010, that bears Defendant's Marks.

16. Identify all web designers and developers and persons affiliated with use and

registration of the domain name ladygaga.com, hausofgaga.com and ladygagafame.com or any other domain name affiliated with Defendant.

17. Identify all distributors for Defendant's Marks sold under Defendant's Goods each year from 2010 to the present.

18. Identify all retailers and wholesalers for Defendant's Marks sold under Defendant's Goods each year from 2010 to the present.

19. If you believe that the Plaintiff's Marks are confusingly similar to Defendant's Marks, set forth the basis for your belief.

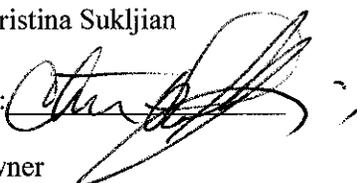
20. Identify all persons who provided information or otherwise assisted in responding to these Interrogatories and specify the Interrogatories for which each such person provided information or other assistance.

21. Identify all documents or things that you relied on in responding to these Interrogatories.

Dated: November 24, 2012

Christina Sukljan

By:



Owner  
GAGA PURE PLATINUM  
13 Manor Street  
Albany, New York 12207  
(518) 436-1833

**CERTIFICATE OF PROOF OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S FIRST SET OF INTERROGATORIES has been served on Ate My Heart, Inc. by mailing said copy on November 24, 2012 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Defendant at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

Date of Deposit: November 24, 2012  
USPS Priority Mail



Christina Sukhjian  
13 Manor Street  
Albany, NY 12207

# EXHIBIT B

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

In the Matter of Application Serial No. 85215017  
Mark: HAUS OF GAGA  
Published in the Official Gazette on January 3, 2012

-----X  
Christina Sukljian, :  
 :  
Plaintiff : Opposition No. 91205046  
 :  
v. :  
 :  
Ate My Heart Inc., :  
 :  
Defendant. :  
-----X

**PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Trademark Rule of Practice 2.120 and Federal Rules of Civil Procedure 26 and 33, Plaintiff Christina Sukljian, hereby requests that Defendant, Ate My Heart Inc., produce the documents specified therein that are in its possession, custody or control for inspection and copying at the offices of Christina Sukljian, 13 Manor Street, Albany, New York 12207, within thirty (30) days of the date of service hereof.

**DEFINITIONS**

A. The term "Defendant" refers to Ate My Heart, Inc. and any and all companies, employees, partners, affiliates, agents, assigns, representatives, attorneys or other persons or entities acting on her behalf or under their control, whether in the past or the present.

B. The term "Plaintiff" refers to Christina Sukljian.

C. The term "Defendant's Goods" refers to each of the items set forth in Defendant's

Application Serial No. 85215017 for the applied for mark HAUS OF GAGA, Application Serial No. 85115004 for the applied for mark LADY GAGA and Application Serial No. 85282752 for the applied for mark LADY GAGA FAME.

D. The term "Defendant's Marks" refers to the applied for marks HAUS OF GAGA as set forth in Defendant's Application Serial No. 85215017, the applied for mark LADY GAGA as set forth in Defendant's Application Serial No. 85115004, and the applied for mark LADY GAGA FAME as set forth in Defendant's Application Serial No. 85282752.

E. The term "Applications" refers to Defendant's Applications Serial No's. 85215017, 85115004, and 85282752.

F. The term "Action" refers to the instant opposition proceeding brought by Plaintiff against Defendant's Application before the Trademark Trial and Appeal Board (Action No. 91205046).

G. The term "Plaintiff's Mark" refers to the registered mark GAGA PURE PLATINUM®.

H. The term "Answer" refers to the Answer filed by Defendant on June 14, 2012 to the Notice of Opposition instituted by Plaintiff.

I. "Person" means both natural persons, or any business, legal or governmental entity or association. The acts and knowledge of a person are defined to include the acts and knowledge of that person's officers, agents, directors, employees, consultants, attorneys, representatives and any other person acting on its behalf.

J. "Communication" means the transmittal of information in the form of facts, ideas, inquiries or otherwise.

K. "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term "documents or electronically stored information" in Fed. R. Civ. P. 34(a), including, without limitation, electronic or computerized data compilations. A draft or nonidentical copy is a separate document within the meaning of this term.

L. "Identify" with respect to persons means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.

M. "Identify" with respect to documents means to give, to the extent known, the type of document, general subject matter, date of document and author(s), addressee(s) and recipient(s).

N. "Concerning" means relating to, referring to, describing, evidencing or constituting.

O. The terms "any", "all" and "each" shall be construed as encompassing any and all.

P. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

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

R. These requests shall be deemed to be continuing so as to require supplemental responses in accordance with Fed. R. Civ. P. 26(e).

S. Unless otherwise specified herewith, the time frame for each request is 2010 to present and the territory for each request in the United States.

T. If any Document that would be responsive to a discovery request has been lost,

discarded or destroyed, identify the Document as completely as possible, providing as much of the following information as possible: (a) the type of Document; (b) a description of the Document; (c) the approximate date it was lost, discarded or destroyed; (d) the circumstances and manner in which it was lost, discarded or destroyed; (e) the reason(s) for disposing of or discarding the Document; (f) the identity of the person who lost, discarded or destroyed the Document; (g) the identity of any person authorizing or having knowledge of the circumstances surrounding losing, discarding or destroying the Document; and (h) the identity of any person having knowledge of its contents. In addition, identify any Document reflecting any of the information sought above.

U. If Defendant withholds any document, in whole or in part, on the basis of privilege, provide in sufficient detail information which will permit Plaintiff to evaluate the claim of privilege. If the privilege is being asserted in connection with a claim or defense governed by state law, please indicate the state privilege rule being invoked.

### **DOCUMENT REQUESTS**

1. All documents sufficient to show the gross annual revenues received by Defendant from the sales of Defendant's Goods in the United States sold under Defendant's Marks each year since Defendant's alleged first use of Defendant's Mark in 2010 and the same for all of Defendant's applied for intent-to-use marks.

2. All documents sufficient to identify the quantity of each of the Defendant's Goods sold under Defendant's Marks for each year in the United States since Defendant's alleged first use of Defendant's Mark in 2010 and the same for all of Defendant's applied for

intent-to-use marks.

3. All documents and things sufficient to show the use of Defendant's Marks in connection with each of Defendant's Goods each year since Defendant's alleged date of first use in 2010 and the same for all of Defendant's applied for intent-to-use marks.

4. All documents concerning packaging for Defendant's Goods bearing Defendant's Marks and the same for all of Defendant's applied for intent-to-use marks.

5. All documents concerning any logos, color schemes or other distinctive identifiers for all Defendant's Goods and the same for all of Defendant's applied for intent-to-use goods.

6. All documents concerning use, intent-to-use, and actual use in commerce of all Defendant's Applied for Marks in 2010 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use;

body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the

nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care

preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Defendant's Marks, including but not limited to purchase orders placed by Defendant, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Defendant's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

7. All documents concerning use, intent-to-use, and actual use in commerce of all Defendant's Applied for Marks in 2011 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic

purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers;

lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and

cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Defendant's Marks, including but not limited to purchase orders placed by Defendant, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Defendant's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

8. All documents concerning use, intent-to-use, and actual use in commerce of all Defendant's Applied for Marks in 2012 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body

lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body

firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy

creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Defendant's Marks, including but not limited to purchase orders placed by Defendant, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Defendant's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

9. All invoices and purchase orders showing sales of each of the goods bearing Defendant's Marks each year since 2010 broken down by year.

10. All shipping documents for each of Defendant's Goods bearing Defendant's Marks each year since 2010 broken down by year.

11. All documents sufficient to identify all former, current or prospective direct customers of Defendant's Goods bearing Defendant's Marks from the first sale of said products, and all documents sent to or received from such direct customers.

12. All documents concerning the current inventory of all Defendant's Goods in Defendant's possession bearing Defendant's Marks in units and dollars, separated by type of good (e.g., fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body

oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of

facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care

preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances, etc.).

13. All documents concerning Defendant's knowledge of the existence and/or activities of Plaintiff.

14. All documents sufficient to illustrate the date when the website associated with the domain names ladygaga.com, hausofgaga.com and ladygagafame.com were launched.

15. All documents, including but not limited to all contracts, licenses, agreements, with web developers for the website associated with the domain names ladygaga.com, hausofgaga.com and ladygagafame.com.

16. All documents concerning the design and layout of the website associated with the domain names ladygaga.com, hausofgaga.com and ladygagafame.com.

17. All documents concerning the websites ladygaga.com, hausofgaga.com and ladygagafame.com

18. All documents concerning the sale of products on ladygaga.com, hausofgaga.com and ladygagafame.com

19. All documents sufficient to show the relationship between Defendant and Stefani Germanotta and the phrase 'lady gaga' and past and present managers, and past and present licensors, and past and present licensees, and past and present agents, and past and present representatives, and past and present affiliates, and past and present subsidiaries, and past and present partners, and past and present employees, and past and present advisors, and past and present attorneys, and past and present manufacturers, and past and present distributors, and past and present wholesalers, and past and present retailers, and past and present resellers, and past and present customers, and past and present promoters, and past and present publicists.

20. All documents concerning the sale of Defendant's Goods by but not limited to ladygaga.com, hausofgaga.com, ladygagafame.com, Stefani Germanotta, past and present managers, past and present licensors, past and present licensees, past and present agents, past and present representatives, past and present affiliates, past and present subsidiaries, past and present partners, past and present employees, past and present advisors, past and present attorneys, past and present manufacturers, past and present distributors, past and present wholesalers, past and present retailers, past and present resellers, past and present customers, past and present promoters, past and present publicists.

21. All documents sufficient to show the registration date of the Facebook account for lady gaga, haus of gaga and lady gaga fame.

22. All documents concerning any application Defendant filed with the USPTO in connection with Defendant's Marks.

23. All documents concerning Defendant's creation, selection or adoption of its Marks, including but not limited to any marketing studies, search reports, opinions, trademark or

copyright registration searches, investigations or advice created for or rendered to Defendant.

24. All documents concerning Defendant's uses and/or intended uses for Defendant's Mark in the United States.

25. All documents concerning Defendant's first use of Defendant's Marks in commerce including the date of first sale.

26. Samples of each of Defendant's Goods sold and offered for sale and alleged to be used in commerce and alleged intent-to-use under Defendant's Marks

27. All documents sufficient to identify the target consumers for Defendant's Goods sold under Defendant's Marks, including but not limited to marketing studies, research reports, consumer correspondence, consumer surveys, opinions and investigations.

28. All documents concerning the creation, selection, manufacture and/or development of any of Defendant's Goods made under Defendant's Marks.

29. All documents sufficient to identify the goods that are sold, will be sold or are in development to be sold under Defendant's Mark, whether or not currently in use in commerce.

30. All documents sufficient to identify any and all former, current or prospective retailers, wholesalers or other sellers and/or distributors and sellers of any of Defendant's Goods sold under Defendant's Marks.

31. All documents sufficient to identify the geographic regions of the United States in which any of Defendant's Goods sold under Defendant's Marks are currently offered for sale or will be offered for sale.

32. All documents sufficient to identify any and all domain names registered by or on behalf of Defendant incorporating Defendant's Marks, including but not limited to

applications, registrations, agreements, correspondence and e-mails.

33. Copies of all advertising and promotional materials including, but not limited to, pamphlets, promotional materials, labels, signage, business cards, letterhead or invoices, used in the United States or proposed to be used in the United States, in connection with the sale of Defendant's Goods bearing Defendant's Marks.

34. All documents concerning publicity for Defendant's Marks in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional literature, whether published in print, broadcast or electronic form.

35. All documents concerning publicity for Defendant's Goods in the United States, including but not limited to press releases, brochures, flyers, advertisements and promotional literatures, whether published in print, broadcast or electronic form.

36. All documents concerning promotional events in the United States sponsored by Defendant involving Defendant's Marks, including but not limited to press and/or launch parties, promotions and social events.

37. All documents concerning consumer recognition of Defendant's Marks in the United States.

38. All documents concerning Defendant's business, marketing, and advertising plans and strategies for Defendant's Goods sold under Defendant's Marks, including, but not limited to, and plans to advertise Defendant's Goods sold under Defendant's Mark on television stations, radio stations, Internet web sites, cable television stations, national television networks, newspapers, magazines, circulars or other media outlets.

39. All documents sufficient to identify Defendant's annual expenses in the United

States for its business, marketing, advertising and promotional plans, publicity and strategies concerning Defendant's Marks from the date of inception to the present.

40. All documents concerning communications with any outside consultants concerning Defendant's Mark including but not limited to correspondence to or from publicity firms, public relations agents, advertising agencies, sales agencies, marketing firms and other consulting firms.

41. Representative samples of each piece of advertising or promotional material or proposed advertising or promotional material showing use of Defendant's Marks in connection with Defendant's Goods, including a page (if applicable) that identifies the medium and date of publication of such advertisement or promotion.

42. All documents concerning unsolicited media attention in the United States received by Defendant in connection with Defendant's Marks, including, but not limited to, magazine and newspaper articles, broadcast media and electronic publications in the past 12 years

43. All documents showing, discussing, concerning and/or comparing Defendant's Goods to the goods of any competitor or any other person or entity offering goods comparable to Defendant's Goods.

44. All documents concerning the intended purchaser(s) of Defendant's Goods, bearing Defendant's Marks.

45. All documents concerning the licensing or assignment of any trademark, copyright, domain name or contractual rights in Defendant's Marks or prospective licensing or assignment of any trademark, copyright or contractual rights for Defendant's Marks to any third

party.

46. All documents reflecting past, present and potential agents, licensees, joint venture partners, sponsors or promoters, hired by or on behalf of Defendant in connection with Defendant's Goods offered under Defendant's Marks.

47. All documents, including, but not limited to, any studies, reports, analysis, and/or communications prepared by or for Defendant, concerning Defendant's Goods.

48. All documents concerning any goods in International Class 3 that are offered for sale or sold by any third party and which use the term GAGA or any term substantially similar thereto including, but not limited to, in the name of the product and/or, packaging of the product.

49. All documents concerning Defendant's efforts to enforce Defendant's Marks.

50. All documents concerning any allegations of infringement of Defendant's Marks or lawsuits filed which allege infringement of Defendant's Marks, against any individual or entity.

51. All documents concerning Defendant's denials in the Answer.

52. All documents concerning any coexistence agreements concerning Defendant's Marks to which Defendant is a party.

53. All documents reviewed and/or relied upon in drafting the Answer.

54. All documents sufficient to identify all persons with knowledge or information concerning the subject matter of this Action.

55. All documents sufficient to show Defendant's revenue of sale of each of Defendant's Goods in Class 3 in the United States each year from the date of first use.

56. All documents concerning registration of the domain names ladygaga.com,

hausofgaga.com, ladygagafame.com, and any other domain name affiliated, associated with and or owned by Defendant.

57. All documents concerning any press releases concerning this Action or concerning the dispute between Plaintiff and Defendant in general.

58. All documents concerning the decision to issue a press release concerning this Action or concerning the dispute between Plaintiff and Defendant in general.

59. All documents sufficient to show use in the United States of Defendant's Marks on each item listed in Defendant's Applications, including invoices and the identifies of each and every purchase of Defendant's Goods.

60. All opinion letters Defendant received and or solicited concerning the right to file Applications for the LADY GAGA, HAUS OF GAGA and LADY GAGA FAME marks in International Class 3 with the United States Patent and Trademark Office.

61. All documents and things sufficient to support the declarations filed in connection with all of Defendant's Goods including but not limited to product samples and retailers of every good declared to be currently in use in commerce under Application Serial No. 85115004.

62. All documents and things sufficient to support the declarations filed in connection with all of Defendant's Goods including but not limited to product samples and retailers of every good declared as intent-to-use in commerce under Application Serial No. 85282152.

63. All documents and things sufficient to support the declarations filed in connection with all of Defendant's Goods including but not limited to product samples and retailers of every good declared as intent-to-use in commerce under Application Serial No. 85215017.

64. All documents and things that Defendant intends to rely on during the testimony

and trial periods in the Action.

Dated: November 24, 2012

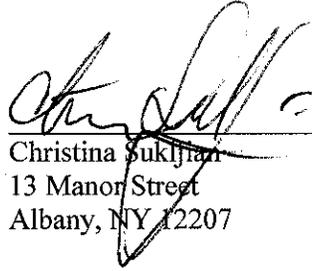
Christina Sukljan

By: 

Owner  
GAGA PURE PLATINUM  
13 Manor Street  
Albany, New York 12207

**CERTIFICATE OF PROOF OF SERVICE**

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS has been served on Ate My Heart, Inc. by mailing said copy on November 24, 2012 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Defendant at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.



Christina Sukljan  
13 Manor Street  
Albany, NY 12207

Date of Deposit: November 24, 2012  
USPS Priority Mail

# EXHIBIT C

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**Reg. No. 2,898,544**

**United States Patent and Trademark Office**

**Registered Nov. 2, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**GAGA PURE PLATINUM**

SUKLJIAN, CHRISTINA (UNITED STATES INDIVIDUAL)  
13 MANOR STREET  
ALBANY, NY 12207

FIRST USE 7-23-2000; IN COMMERCE 6-7-2001.

SER. NO. 76-305,015, FILED 8-27-2001.

FOR: COSMETICS; NAMELY NAIL POLISH, LIP-STICK, LIP-GLOSS, EYE-LINER, LIP-LINER, EYE SHADOW, FACE POWDER, BLUSH, MASCARA, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

BERYL GARDNER, EXAMINING ATTORNEY

Side - 1

**NOTICE OF ACCEPTANCE AND  
ACKNOWLEDGEMENT OF §§8 & 15  
DECLARATION  
MAILING DATE: Jun 5, 2010**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER: 2898544**  
**MARK: GAGA PURE PLATINUM**  
**OWNER: Sukljan, Christina**

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
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# EXHIBIT D



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QUALITY. PERFORMANCE. INTEGRITY.

EXPERTISE SINCE 1968

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## our brands



*Mode  
Couleurs*

*Christina*

Little  
Gems

GAGA  
PURE PLATINUM®

MODE  
NEW YORK



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g a g a

GAGA  
PURE PLATINUM®

A unisex line of edgy sophistication, GAGA Pure Platinum offers a wide selection of unconventional products and color palettes. Designed and infused with precious gems in sharp urban packaging. The color selection is more avant-garde than conventional standards, eternally fashion forward.

For a unique sense of individualistic style, GAGA is it.



[click here to visit the official website: www.gagapureplatinum.com](http://www.gagapureplatinum.com)

HOME > SHOP > FACE > POP OFF NEO-POP BLUSH™ CREAM CHEEK COLOUR

## Face

FREE SHIPPING over \$50

### POP OFF NEO-POP™ CREAM BLUSH CREAM CHEEK COLOUR

\$20.00

ADD TO MY BAG

This superbly smooth cream blush provides a gorgeous pop of healthy color to cheeks that naturally moisturizes delicate skin with a blend of antioxidant rich barbery fig and pomegranate superfruits at the same time. Neo-Pop blends easily to gives cheeks that fresh and long lasting 'pinch me I'm dreaming' flush.

#### Product Details

- cream dewy finish
- nutrient and vitamin rich superfruits
- skin nourishing barbery fig
- made with love in USA
- .38 oz - 11 g

• [VIEW INGREDIENTS](#)

#### INGREDIENT SPOTLIGHT



Candy pink

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#### You Will Also Love...



HOME > SHOP > NAILS > MEEP MEEP MOXIE NAIL COSMETIC

## Nails

FREE SHIPPING over \$50

### MEEP MEEP MOXIE NAIL COSMETIC

\$14.00

**ADD TO MY BAG**

GAGA Pure Platinum Nail Cosmetic is liquid jewelry for the nails with finely crushed, silky smooth GEMLUST™ powder in every bottle. Nails are lacquered in concentrated fashion-forward color for superior wear and gloss with every beautiful coat. This advanced formula provides chip resistant wear while the 600+hair luxe brush delivers strengthening and streak free results for days on end.

#### Product Details

- *prismatic satin finish*
- *advanced 3 free formula*
- *luxe 600+ hair brush*
- *made with love in USA*
- *1/2 fl oz - 15 ml*

• [VIEW INGREDIENTS](#)

#### INGREDIENT SPOTLIGHT



Rollover To View Product Detail



#### You Will Also Love...



HOME > SHOP > NAILS

## Nails

FREE SHIPPING over \$50

*Nails are lacquered in this advanced formula with concentrated color for superior wear and gloss with every beautiful coat.*



**Meep Meep Moxie**  
NAIL COSMETIC

SHOP NOW



**Hullabaloo**  
NAIL COSMETIC

SHOP NOW



**Prim & Awkward**  
NAIL COSMETIC

SHOP NOW



**Old Flame**  
NAIL COSMETIC

SHOP NOW



**Zenith**  
NAIL COSMETIC

SHOP NOW



**Beam Me Up**  
NAIL COSMETIC

SHOP NOW



**Spendthrift Jungle**  
NAIL COSMETIC

SHOP NOW



**Lock Me Up**  
NAIL COSMETIC

SHOP NOW



**Love Addict**  
NAIL COSMETIC

SHOP NOW



**Big Bang Boom**  
NAIL COSMETIC

SHOP NOW



**Yowza**  
NAIL COSMETIC

SHOP NOW



**White Hot Shock**  
NAIL COSMETIC

SHOP NOW

*This universally flattering creamed peach nude coats nails in fortified luxury in our advanced long wear, chip resistant formula.*



**Avec Moi Nail Cosmetic**  
PART OF THE ETERNALLY CHIC SET

SHOP NOW

HOME > SHOP > COMPLEXION > STAR CONCEALER FAIR

## Face

### FAIR STAR CONCEALER

\$18.00

**ADD TO MY BAG**

This full coverage exceptionally pigment rich concealer is a star performer. With the lasting skin benefits of Moroccan argan and avocado, this creamy lightweight formula brightens while blending to perfection. Conceals dark spots, under eye circles, discolorations, blemishes, and any other flaw you would rather not see.

#### Product Details

- *super concentrated pigment*
- *skin nourishing superfruit oils*
- *skin protecting vitamin E*
- *made with love in USA*
- *.11 oz - 3 g*

• [VIEW INGREDIENTS](#)

#### INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Rollover To View Product Detail



#### You Will Also Love...



HOME > SHOP > FACE > LUNAR FLASH PRISM PAVE™ LUMINIZER

## Face

FREE SHIPPING over \$50

### LUNAR FLASH PRISM PAVE™ LUMINIZER

\$22.00

ADD TO MY BAG

This weightless cream luminizer provides luxurious satin luminosity and superb radiance to your complexion. Prism Pave™ instantly brightens and enhances skin's appearance with natural optical reflectors that bend with the light to provide beautiful radiance to cheeks, brow-bones and face.

#### Product Details

- *super silky satin luminosity*
- *antioxidant rich pomegranate*
- *skin restoring Moroccan argan*
- *made with love in USA*
- *.38 oz - 11 g*

• [VIEW INGREDIENTS](#)

#### BENEFICIAL INGREDIENTS



Satin champagne



#### You Will Also Love...



HOME > SHOP > LIPS > PINK PARIS LIP LUST LUXE COLOR GLOSS

## Lips

### PINK PARIS LIP LUST LUXE COLOR GLOSS

\$12.50

ADD TO MY BAG

The performance of glamorous color and uber shine of a gloss fused with the benefits of a conditioning, protective balm - that's Lip Lust. Nourishing botanicals hydrate lips in a divine buttery-rich formula.

#### Product Details

- *lasting high gloss finish*
- *moisture and condition with rich shea butter*
- *sooth lips with nourishing sweet almond*
- *made with love in USA*
- *.11 oz - 3 g*

• [VIEW INGREDIENTS](#)

#### INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Shimmering golden fuchsia



#### You Will Also Love



HOME > SHOP > LIPS > RIVE GAUCHE ART DÉCORATIF HYDRATING LIPSTICK

## Lips

### RIVE GAUCHE ART DÉCORATIF HYDRATING LIPSTICK

\$16.00

ADD TO MY BAG

Exceptionally creamy and long-lasting, Art Decoratif Hydrating Lipstick instantly delivers high impact powerful color in just one effortless stroke. Lock in natural moisture with conditioning essential fruit oils for supple, kiss me now lips.

#### Product Details

- *hydrating long wearing color in one stroke*
- *condition with essential açai fruit oil*
- *enhanced with orchid flower extract*
- *made with love in USA*
- *.13 oz - 3.7 g*

• [VIEW INGREDIENTS](#)

#### INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Real sultry red



#### You Will Also Love...



HOME > SHOP > SETS > ETERNALLY CHIC SET

## Sets

FREE SHIPPING over \$50

### ETERNALLY CHIC SET 3 PIECE TRAVEL COMPANION

\$20.00

ADD TO MY BAG

The perfect three-piece set that has everything you need for instant sophistication. Infused with our signature GEMLUST™ Jewels, this set is the ultimate companion for any destination. Polish lips, tips, and lashes in this universally flattering color palette.

#### Product Details

##### NAIL COSMETIC IN AVEC MOI

- *creamed peach nude, the go to color for any occasion*
- *advanced 3 free formula*
- *made with love in USA*
- *.34 fl oz - 10 ml*

##### ETHEREAL FINISH MASCARA

- *provides perfectly groomed and polished lashes*
- *pampers lashes with nourishing Moroccan argan*
- *made with love in USA*
- *.1 fl oz - 3 ml*

##### 58 FACETS BRILLIANT LIP GLOSS

- *highlight lips with sparkling dimension*
- *moisturize with sweet almond*
- *refreshing essential grapefruit aroma*
- *made with love in USA*
- *.1 fl oz - 3 ml*

• [VIEW INGREDIENTS](#)

#### INGREDIENT SPOTLIGHT

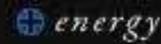


Rollover To View Product Detail



#### You Will Also Love...



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## Inside Gaga Pure Platinum

### The Story

GAGA Pure Platinum Cosmetics defines avant-garde beauty that is eternally fashion-forward. We believe in positive energy and through the power of color, we believe in drawing out the inner beauty that resides in all of us. Our natural formulations deliver intense color that is infused with GEMLUST™—crushed to a fine silky smooth powder—for the ultimate in luxurious beneficial beauty. The natural beauty, power, and allure of these fine and precious stones treasured for centuries include: ruby, coral, jade, pearl, amethyst, amber, and tourmaline. Each beauty product is presented with our signature velvet pouch, an experience that one can only expect from GAGA Pure Platinum.

### The Heritage

Created in 2000 by second generation cosmetics purveyors and sisters, Cristina Samuels and Jennifer Isaac combined their decades of expertise and insight to create Gaga Pure Platinum. Drawing inspiration from art and beauty, coupled with the finest natural ingredients, the sisters fused these elements in their creations to convey the experience of platinum beauty. Today, these beauty mavens continue the family's nearly half-a-century legacy and tradition in creating and innovating American beauty. Designed, created and made with love in NY USA.

The sisters have the distinct recognition of GCI (Global Cosmetic Industry Magazine) as being 2 of '20 To Know' in the global cosmetic industry. "Cristina Samuels and Jennifer Isaac epitomize the strengths of the beauty industry—continuity and tradition propelled by innovation and evolution." – GCI

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# EXHIBIT E

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**Lady Gaga**  
**Lady Gaga Accused Of Bullying! She Defends Herself! Exclusive Story**  
By Michael Musto Tue., Jun. 26 2012 at 11:29 AM  
Categories: Lady Gaga  
Write Comment



In came the email:

"**Lady Gaga** (Ate My Heart, Inc /Stefani Germanotta) is a bully and suing the family business that owns the 12-year-old registered trademark brand Gaga Pure Platinum cosmetics because she can't get a federal trademark registration, after being blocked registration twice.

"Gaga Pure Platinum was created and has existed since 2000 and to try to get what she wants, with no regard to who she hurts, she is trying to steal the Gaga registered trademark from Gaga Pure Platinum with a lawsuit. Lady Gaga doesn't own any trademark rights to Gaga in cosmetics because Gaga Pure Platinum cosmetics owns it and trademarked it when Stefani Germanotta was 14 years old, long before Lady Gaga came into existence.

"So much for her anti bullying campaigns because she is bullying a family business and her tactic is to lie by using fraudulent, baseless and groundless claims in federal trademark court so she can bully them with her fame....Looks like she's living up to her self proclaimed title of 'mother monster' and has proven to be a total hypocrite. Once again she has copied yet another artist that came before her, Gaga Pure Platinum.

All the public information is available at [this link](#)."

I reached out to Gaga's people for a response, and I didn't have to bully them for it. Here it is:

"Lady Gaga and her companies respect intellectual property and would never infringe on anyone's rights. But this particular trademark hasn't been used in what appears to be years.

"In fact, Lady Gaga's counsel tried several times to speak to the original owners about their alleged use of their mark in an effort to find a way to amicably coexist. There was never a response."

And now, here's the response to *that* from the trademark owners:

"The Gaga Pure Platinum trademark has been and continues to be in use. Lady Gaga's counsel never contacted Gaga Pure Platinum nor did we ever receive any communication from Lady Gaga nor it's representatives. No effort to communicate was ever made, only a court action."

Judges?

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# EXHIBIT F

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

In the Matter of Trademark Application No. 85/215,017  
for the mark HAUS OF GAGA

-----X

CHRISTINA SUKLJIAN,	:	
	:	
Plaintiff,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART INC.,	:	
	:	
Defendant.	:	

-----X

**DEFENDANT’S RESPONSES AND OBJECTIONS TO PLAINTIFF’S FIRST SET  
OF INTERROGATORIES**

Pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure, Defendant, Ate My Heart Inc. (hereinafter “Defendant”), by its undersigned attorneys, hereby responds and objects to the First Set of Interrogatories of Christina Sukljan (hereinafter “Plaintiff”), as follows:

**GENERAL OBJECTIONS**

Defendant makes its objections to specific interrogatories by, among other things, incorporating by reference the following objections, as appropriate.

1. Defendant objects to the interrogatories to the extent they purport to impose obligations of disclosure beyond those required by the Federal Rules of Civil Procedure or the Local Rules of this Court, or other applicable statute, regulation, rule, or court order.

2. Defendant objects to the interrogatories to the extent they call for disclosure of information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, statute, regulation or rule. The inadvertent disclosure of any privileged information shall not be deemed to be a waiver of any applicable privilege with respect to such information or any other information provided.

3. Defendant objects to the interrogatories to the extent they call for the disclosure of information that is not relevant to the issues of law and fact in this action or not reasonably calculated to lead to the discovery of admissible evidence.

4. Defendant objects to the interrogatories to the extent it seeks information relating to matters and/or marks that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

5. To the extent the interrogatories seek disclosure of trade secrets or confidential or proprietary information, Defendant will provide such information only subject to the confidentiality order in effect according to the TTAB rules, and Defendant expressly reserves all rights in connection with such information.

6. Defendant objects to the interrogatories to the extent they are vague, ambiguous, cumulative, confusing, or incomprehensible.

7. Defendant objects to the interrogatories to the extent they are overbroad, unduly burdensome, oppressive, or intended to harass rather than lead to the discovery of evidence related to a bona fide dispute between the parties.

8. Defendant objects to the interrogatories to the extent that they may be construed to seek information in the possession, custody, or control of individuals or entities other than

Defendant, its agents or representatives, and to the extent they may be construed to require any search for information beyond one that is limited to the appropriate subject matter files pertinent to the interrogatories and to the personal knowledge of Defendant or its agents or representatives known or reasonably believed to have personal involvement in, or knowledge of, the subjects included within the interrogatories.

9. By not objecting to any particular interrogatory, Defendant does not concede, imply, or admit that any information responsive to such interrogatory exists.

10. Defendant objects to each interrogatory that seeks the identity of “any”, “each” or “all” persons or documents and things as such requests are overly broad and unduly burdensome.

11. Defendant objects to each interrogatory to the extent that it seeks information that is already in Plaintiff’s possession, custody or control.

12. Defendant objects to each interrogatory to the extent that it seeks information that is publicly available, is a matter of public record, and/or is information generated by other entities.

13. Defendant objects to each interrogatory to the extent that it is not limited to activities in the United States.

14. Defendant objects to each interrogatory to the extent that it is indefinite as to time.

15. By responding to any particular interrogatory, Defendant does not acknowledge or concede that the facts set forth therein, or the predicate underlying such interrogatory, is accurate or truthful in any respect.

16. In responding to the interrogatories, Defendant neither waives, nor intends to waive, but expressly reserves, any and all objections to the relevance, competence, susceptibility

to discovery, materiality, or admissibility of any and all information provided. Inadvertent disclosure of any information which is confidential, proprietary, privileged or objectionable shall not constitute a waiver of any privilege or of any other ground for objection to discovery with respect to such information, or of Defendant's right to object to the use of such information during this proceeding.

17. Defendant reserves the right to amend, modify, and supplement these responses as appropriate. Defendant further reserves the right to introduce into evidence in the above-captioned action materials and information in addition to the information disclosed in response to the interrogatories.

#### **SPECIFIC RESPONSES**

##### **INTERROGATORY NO. 1:**

Identify all customers of Defendant's Goods sold in connection with Defendant's Applied for Marks, LADY GAGA, LADY GAGA FAME and HAUS OF GAGA each year from alleged first date use in commerce, 2010, broken out by year and Goods stated on each application.

##### **RESPONSE TO INTERROGATORY NO. 1:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 2:**

Identify persons having knowledge or information concerning any of the facts Defendant's relied on in its Answer or otherwise at issue in this Action, and describe, with respect to each such person: (a) the information that each such person possesses; and (b) his/her relationship to the parties to this action.

**RESPONSE TO INTERROGATORY NO. 2:**

Opposer objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Opposer identifies Troy Carter and Bobby Campbell. Mr. Carter is the Chairman and Chief Executive Officer of Atom Factory (a company totally unrelated to Defendant) and in that capacity acts as manager for Stefani Germanotta (p/k/a Lady Gaga) and handles all of the legal affairs relating to Defendant, among other things. Mr. Carter has information concerning the intended use of the mark HAUS OF GAGA in connection with Defendant's Goods. Mr. Campbell is Chief Marketing Officer at Atom Factory and also has information concerning the intended use of the mark HAUS OF GAGA in connection with Defendant's Goods.

**INTERROGATORY NO. 3:**

Specify the amount of (a) sales; (b) revenues; (c) profits; and (d) advertising and promotional expenditures for all of Defendant's Goods sold that bear Defendant's Marks that have been by Defendant in the United States each year from the first date alleged in the Applications to present broken out by year and Goods.

**RESPONSE TO INTERROGATORY NO. 3:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 4:**

Describe in detail the actual use of Defendant's Marks on Defendant's Goods by identifying each type of item that bears Defendant's Marks and identifying the manner in which Defendant's Marks are affixed to or used in connection with each such item as listed and stated under oath and alleged under goods and services on the applications for LADY GAGA, LADY GAGA FAME and HAUS OF GAGA.

**RESPONSE TO INTERROGATORY NO. 4:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 5:**

Identify the date of first use in the United States of Defendant's Marks on each item identified in the Applications.

**RESPONSE TO INTERROGATORY NO. 5:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 6:**

For each of Defendant's Goods bearing or offered in connection with Defendant's Mark in the United States, please state the following:

- (a) Defendant's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;
- (b) Defendant's targeted consumer group and/or targeted demographics;
- (c) The price points at which Defendant's Goods bearing Defendant's Marks are sold to consumers; and
- (d) The amount of money Defendant has earmarked or dedicated to the manufacture and, separately, the promotion of the Respondent's Goods bearing Respondent's Mark for 2012.

**RESPONSE TO INTERROGATORY NO. 6:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 7:**

For each type of item identified in response to Interrogatory No. 7 above, state Defendant's annual volume of business in the United States by identifying the annual volume of sales in units and dollars from the date of first sale(s) to the date of Defendant's response.

**RESPONSE TO INTERROGATORY NO. 7:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing and incomprehensible.

**INTERROGATORY NO. 8:**

Identify any and all persons Defendant has authorized, licensed or otherwise granted the right to use Defendant's Marks in commerce in connection with Defendant's Goods. For each person identified, identify the date of commencement and termination of each such authorization, license or grant, and identify any written license agreements or franchise agreements granting rights to use Defendant's Marks.

**RESPONSE TO INTERROGATORY NO. 8:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections

and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that it has not authorized, licensed or otherwise granted the right to use the mark HAUS OF GAGA in connection with Defendant's Goods to any person.

**INTERROGATORY NO. 9:**

Identify all cease and desist demand letters and responses thereto, litigations, trademark actions or proceedings, ICANN proceedings and/or other challenges concerning Defendant's Marks in any way. When responding to this interrogatory, include: (a) the dates of such challenge; (b) the third-party mark involved; (c) the adversarial party; and (d) the outcome of each challenge.

**RESPONSE TO INTERROGATORY NO. 9:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that no cease and desist demand letters or responses thereto, litigations, trademark actions or ICANN proceedings exist concerning the use of the mark HAUS OF GAGA in connection with Defendant's Goods.

**INTERROGATORY NO. 10:**

Identify all of Defendant's market competitors for Defendant's Goods and state why Defendant believes that each identified entity is a competitor.

**RESPONSE TO INTERROGATORY NO. 10:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is vague, harassing, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 11:**

Identify the total number of sales of all Defendant's Goods bearing Defendant's Marks each year from alleged first use in commerce to the present and identify projected sales for each and every one of Defendant's alleged intent to use Goods listed as stated on applications.

**RESPONSE TO INTERROGATORY NO. 11:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods nor is there any information pertaining to projected sales for Defendant's intended use of the mark HAUS OF GAGA in connection with Defendant's Goods.

**INTERROGATORY NO. 12:**

Identify the first date that Defendant's began selling all of Defendant's alleged Goods on Ladygaga.com, hausofgaga.com, ladygagafame.com, and any other website or retailer.

**RESPONSE TO INTERROGATORY NO. 12:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 13:**

Identify the registration date of Defendant's Facebook account for LADY GAGA, HAUS OF GAGA, and LADY GAGA FAME.

**RESPONSE TO INTERROGATORY NO. 13:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party and not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 14:**

Identify and describe the relationship between Defendant, and any and all other companies, individuals, partners, affiliates, advisors, consultants, attorneys, entities,

subsidiaries, officers, agents, licensees, parent companies, employees, managers, promoters, manufacturers, distributors, wholesalers, retailers, resellers, franchisees, or other persons or entities acting on Defendant's behalf or under its control associated with the LADY GAGA, HAUS OF GAGA, and LADY GAGA FAME applied for marks.

**RESPONSE TO INTERROGATORY NO. 14:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is vague, overly broad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**INTERROGATORY NO. 15:**

Identify each item sold by or on behalf of Defendant since alleged first date use, 2010, that bears Defendant's Marks.

**RESPONSE TO INTERROGATORY NO. 15:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 16:**

Identify all web designers and developers and persons affiliated with use and registration of the domain name ladygaga.com, hausofgaga.com and ladygagafame.com or any other domain name affiliated with Defendant.

**RESPONSE TO INTERROGATORY NO. 16:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**INTERROGATORY NO. 17:**

Identify all distributors for Defendant's Marks sold under Defendant's Goods each year from 2010 to the present.

**RESPONSE TO INTERROGATORY NO. 17:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 18:**

Identify all retailers and wholesalers for Defendant's Marks sold under Defendant's

Goods each year from 2010 to the present.

**RESPONSE TO INTERROGATORY NO. 18:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant states that the mark HAUS OF GAGA has not yet been used in commerce in connection with Defendant's Goods.

**INTERROGATORY NO. 19:**

If you believe that the Plaintiff's Marks are confusingly similar to Defendant's Marks, set forth the basis for your belief.

**RESPONSE TO INTERROGATORY NO. 19:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing and incomprehensible. Defendant further objects to this Interrogatory to the extent that it seeks information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**INTERROGATORY NO. 20:**

Identify all persons who provided information or otherwise assisted in responding to these Interrogatories and specify the Interrogatories for which each such person provided information or other assistance.

**RESPONSE TO INTERROGATORY NO. 20:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections

and specifically to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence and to the extent it violates the work-product immunity doctrine and/or attorney client privilege. Subject to and without waiving the forgoing objections, Defendant responds that Bobby Campbell and Philippe Zylberg, Esq. participated in the preparation of Defendant's Responses to Plaintiff's First Set of Interrogatories.

**INTERROGATORY NO. 21:**

Identify all documents or things that you relied on in responding to these Interrogatories.

**RESPONSE TO INTERROGATORY NO. 21:**

Defendant objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Defendant responds that no documents or things were relied upon in responding to these Interrogatories.

Dated: December 28, 2012

Respectfully submitted,

By Philippe Zylberg  
Brad D. Rose, Esq.  
Nicole E. Kaplan, Esq.  
Philippe Zylberg, Esq.  
Pryor Cashman LLP  
7 Times Square  
New York, NY 10036  
Attorneys for Defendant



**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES upon Plaintiff by mailing a copy thereof by overnight mail, FedEx on December 28, 2012 to the following:

Christina Sukljan  
13 Manor Street  
Albany, NY 12207

*Philippe Zylberg/zo*  
Philippe Zylberg

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

In the Matter of Trademark Application No. 85/215,017  
Mark: HAUS OF GAGA

-----X		
CHRISTINA SUKLJIAN,	:	
	:	Opposition No. 91205046
Plaintiff,	:	
	:	
v.	:	
	:	
ATE MY HEART INC.,	:	
	:	
Defendant.	:	
-----X		

**DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 26 and 34 of the Federal Rules of Civil Procedure, Defendant, Ate My Heart Inc. (hereinafter "Defendant"), by its undersigned attorneys, hereby responds and objects to the First Request for Production of Documents served by Christina Sukljian (hereinafter "Plaintiff"), as follows:

**GENERAL OBJECTIONS**

1. Defendant objects to each request to the extent that it seeks to impose discovery obligations on Defendant that are inconsistent with, are not found in or which are beyond the scope of the Federal Rules of Civil Procedure.
2. Defendant objects to each request to the extent it seeks information that is not relevant to the claims or defenses of either party.
3. Defendant objects to each request to the extent it is overly broad, unduly burdensome, and/or is vague and ambiguous.

4. Defendant objects to each request to the extent it seeks information protected by the attorney-client privilege, work product immunity doctrine or is otherwise immune from discovery. Defendant will provide the information called for by Fed. R. Civ. P. 26(b)(5), if any, in the form of a privileged document list to be exchanged with Plaintiff on a date to be agreed upon by the parties.

5. Any disclosure of information protected by any privilege or immunity is inadvertent and does not constitute a waiver of any privilege or right of Defendant.

6. Defendant objects to each request as improper and unduly burdensome to the extent it seeks information that is not in the possession, custody or control of Defendant.

7. Defendant objects to each request that seeks the identity of "any", "each" or "all" persons or documents and things as such requests are overly broad and unduly burdensome.

8. Defendant objects to each request to the extent that it seeks information that is already in Plaintiff's possession, custody or control.

9. Defendant objects to each request to the extent that it seeks information that is publicly available, is a matter of public record, and/or is information generated by other entities.

10. Defendant objects to each interrogatory to the extent that it is indefinite as to time.

11. Defendant reserves the right to supplement its responses in accordance with the Federal Rules of Civil Procedure.

## **SPECIFIC RESPONSES**

### **DOCUMENT REQUEST NO. 1:**

All documents sufficient to show the gross annual revenues received by Defendant from the sales of Defendant's Goods in the United States sold under Defendant's Marks each year since Defendant's alleged first use of Defendant's Mark in 2010 and the same for all of Defendant's applied for intent-to-use marks.

### **RESPONSE TO DOCUMENT REQUEST NO. 1:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

### **DOCUMENT REQUEST NO. 2:**

All documents sufficient to identify the quantity of each of the Defendant's Goods sold under Defendant's Marks for each year in the United States since Defendant's alleged first use of Defendant's Mark in 2010 and the same for all of Defendant's applied for intent-to-use marks.

### **RESPONSE TO DOCUMENT REQUEST NO. 2:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses

of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 3:**

All documents and things sufficient to show the use of Defendant's Marks in connection with each of Defendant's Goods each year since Defendant's alleged date of first use in 2010 and the same for all of Defendant's applied for intent-to-use marks.

**RESPONSE TO DOCUMENT REQUEST NO. 3:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 4:**

All documents concerning packaging for Defendant's Goods bearing Defendant's Marks and the same for all of Defendant's applied for intent-to-use marks.

**RESPONSE TO DOCUMENT REQUEST NO. 4:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 5:**

All documents concerning any logos, color schemes or other distinctive identifiers for all Defendant's Goods and the same for all of Defendant's applied for intent-to-use goods.

**RESPONSE TO DOCUMENT REQUEST NO. 5:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 6:**

All documents concerning use, intent-to-use, and actual use in commerce of all Defendant's Applied for Marks in 2010 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential

oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes;

scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care

preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Defendant's Marks, including but not limited to purchase orders placed by Defendant, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Defendant's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

**RESPONSE TO DOCUMENT REQUEST NO. 6:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 7:**

All documents concerning use, intent-to-use, and actual use in commerce of all Defendant's Applied for Marks in 2011 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body

butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics; hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and

lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the

care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Defendant's Marks, including but not limited to purchase orders placed by Defendant, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Defendant's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

**RESPONSE TO DOCUMENT REQUEST NO. 7:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further

objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 8:**

All documents concerning use, intent-to-use, and actual use in commerce of all Defendant's Applied for Marks in 2012 on fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; non-medicated lip care preparations; lip cream; non-medicated sunscreen preparations;

suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos; conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body

exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen

sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances sold under Defendant's Marks, including but not limited to purchase orders placed by Defendant, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Defendant's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

**RESPONSE TO DOCUMENT REQUEST NO. 8:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 9:**

All invoices and purchase orders showing sales of each of the goods bearing Defendant's Marks each year since 2010 broken down by year.

**RESPONSE TO DOCUMENT REQUEST NO. 9:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 10:**

All shipping documents for each of Defendant's Goods bearing Defendant's Marks each year since 2010 broken down by year.

**RESPONSE TO DOCUMENT REQUEST NO. 10:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 11:**

All documents sufficient to identify all former, current or prospective direct customers of Defendant's Goods bearing Defendant's Marks from the first sale of said products, and all documents sent to or received from such direct customers.

**RESPONSE TO DOCUMENT REQUEST NO. 11:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 12:**

All documents concerning the current inventory of all Defendant's Goods in Defendant's possession bearing Defendant's Marks in units and dollars, separated by type of good (e.g., fragrances and perfumery; personal care products; fragrance products; perfumes; colognes; eau de toilette; body wash; body spray; body scrubs; body powder; fragrance and body oils and mists; body moisturizers; body creams; soaps; body butter; bath gels; skin care products; body and foot care products; body and shower products; preparations for the care and conditioning of the body, skin, scalp, and hair; toilet soap; body lotions; deodorants; hair preparations; shampoo; bubble bath, bath oil and shower gel; nail polish, nail polish remover; false eyelashes; decorative transfers for cosmetic purposes; cosmetics, cosmetic preparations; make-up; lipsticks, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks; skin moisturizers and skin moisturizer masks; skin conditioners; hand creams; massage oils; essential oils for personal use; talcum powder; perfumed powders; face wash; skin cleansers; skin highlighting cream; body scrubs; body fragrances; fragrances for personal use; body and hand lotions; body gels; body oils; body powders; body exfoliants; body masks; body mask creams and lotions; shaving preparations; after shave lotions; shaving balm; shaving cream; shaving gel; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; nonmedicated lip care preparations; lip cream; non-medicated sunscreen preparations; suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products; namely bath beads; bath crystals; bath foam; bath gels; bath oils; bath powders; shower gels; cosmetic soaps; perfumed soaps; liquid soaps; hand, facial and bath soaps; deodorant soaps; shaving soaps; soap powder; toilet soaps; soaps for body care; soaps for personal use; shampoos;

conditioners; hair mousse; hair frosts; hair rinses; hair sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; hair styling preparations; hair removing cream; and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block; deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations for the care and conditioning of the body, skin, and scalp; bubble bath; bath gel; bath oil and shower gel; Cosmetics; cosmetic preparations; make-up and make-up removers; lipstick; lip gloss; lip pomades; lipstick holders; non-medicated lip care preparations; lip cream; fragrances; perfumes; perfume oils; perfumery; colognes; eau de toilette; eau de parfum; eau de perfume; eau de cologne; face and body glitter; facial lotions; creams; moisturizers; cleansers; washes; scrubs; exfoliants and toners; beauty milks; non-medicated facial treatments in the nature of facial emulsions and facial masks; skin lotions; skin creams; skin conditioners; skin moisturizers; skin moisturizer masks; and skin highlighters; hand moisturizers; creams and lotions; non-medicated foot lotions and creams; wrinkle removing skin care preparations; false eyelashes; non-medicated toiletries; body wash; body gels; body butter; body spray; body oils and mists; body scrubs; body powder; body moisturizers; body lotions; body creams; body scrubs; body exfoliants; body fragrances; body butter; body firming gels and lotions; body masks; bath gels; bath oils; bath powders; bath crystals; bath foam; bath beads; bath salts; shower gels; cosmetic preparations for baths; perfumed powders; soaps; perfumed soaps; liquid soaps; soap powder; toilet soap; toilet water; shaving preparations; shaving balm; shaving cream; shaving gel; after

shave lotions; skin abrasive preparations; non-medicated skin creams and skin lotions for relieving razor burns; sunscreen preparations; suntanning preparations; sun tan oils; after-sun lotions; self-tanning preparations; and cosmetic sun-protecting preparations; sun block; non-medicated ointments for the treatment of sunburns; aromatherapy creams; aromatherapy creams; lotions and aromatherapy oils; decorative transfers for cosmetic purposes; preparations for the care and conditioning of the body, skin, scalp, and hair; essential oils for personal use; astringents for cosmetic purposes; massage oils; talcum powder; bubble bath; deodorants for personal use and body care; dentifrices; toothpaste; perfumed paper; makeup applicators in the nature of cotton swabs for cosmetic purposes; all purpose cotton swabs for personal use and cosmetic purposes; cosmetic pads; pre-moistened cosmetic wipes; pre-moistened cosmetic tissues and towelettes; baby wipes; nail care preparations; nail polishes; nail polish base coat; nail polish top coat; nail strengtheners; nail hardeners; nail varnishes; nail polish removers; nail creams; cuticle removing preparations; nail tips; and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair color; hair waving lotion; permanent wave preparations; hair lighteners; hair dyes; hair emollients; hair mascara; hair pomades; hair color removers; hair relaxing preparations; and hair styling preparations; potpourri; aromatherapy pillows comprising potpourri in fabric containers; pomanders containing perfumed preparations, and mixtures; sachets; sachet-like eye pillows containing fragrances; scented ceramic stones; scented linen sprays and scented room sprays; scented oils used to produce aromas when heated; scented pine cones; incense; room fragrances; fragrance emitting wicks for room fragrances, etc.).

**RESPONSE TO DOCUMENT REQUEST NO. 12:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 13:**

All documents concerning Defendant's knowledge of the existence and/or activities of Plaintiff.

**RESPONSE TO DOCUMENT REQUEST NO. 13:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Subject to and without waiving the foregoing objections, Defendant responds that there are no non-privileged documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 14:**

All documents sufficient to illustrate the date when the website associated with the domain names [ladygaga.com](http://ladygaga.com), [hausofgaga.com](http://hausofgaga.com) and [ladygagafame.com](http://ladygagafame.com) were launched.

**RESPONSE TO DOCUMENT REQUEST NO. 14:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks

and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 15:**

All documents, including but not limited to all contracts, licenses, agreements, with web developers for the website associated with the domain names ladygaga.com, hausofgaga.com and ladygagafame.com.

**RESPONSE TO DOCUMENT REQUEST NO. 15:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 16:**

All documents concerning the design and layout of the website associated with the domain names ladygaga.com, hausofgaga.com and ladygagafame.com.

**RESPONSE TO DOCUMENT REQUEST NO. 16:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 17:**

All documents concerning the websites ladygaga.com, hausofgaga.com and ladygagafame.com

**RESPONSE TO DOCUMENT REQUEST NO. 17:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 18:**

All documents concerning the sale of products on ladygaga.com, hausofgaga.com and ladygagafame.com

**RESPONSE TO DOCUMENT REQUEST NO. 18:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 19:**

All documents sufficient to show the relationship between Defendant and Stefani Germanotta and the phrase 'lady gaga' and past and present managers, and past and present

licensors, and past and present licensees, and past and present agents, and past and present representatives, and past and present affiliates, and past and present subsidiaries, and past and present partners, and past and present employees, and past and present advisors, and past and present attorneys, and past and present manufacturers, and past and present distributors, and past and present wholesalers, and past and present retailers, and past and present resellers, and past and present customers, and past and present promoters, and past and present publicists.

**RESPONSE TO DOCUMENT REQUEST NO. 19:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 20:**

All documents concerning the sale of Defendant's Goods by but not limited to [ladygaga.com](http://ladygaga.com), [hausofgaga.com](http://hausofgaga.com), [ladygagafame.com](http://ladygagafame.com), Stefani Germanotta, past and present managers, past and present licensors, past and present licensees, past and present agents, past present representatives, past and present affiliates, past and present subsidiaries, past and present partners, past and present employees, past and present advisors, past and present attorneys, past and present manufacturers, past and present distributors, past and present wholesalers, past and present retailers, past and present resellers, past and present customers, past and present promoters, past and present publicists.

**RESPONSE TO DOCUMENT REQUEST NO. 20:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is confusing, unintelligible, overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 21:**

All documents sufficient to show the registration date of the Facebook account for lady gaga, haus of gaga and lady gaga fame.

**RESPONSE TO DOCUMENT REQUEST NO. 21:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 22:**

All documents concerning any application Defendant filed with the USPTO in connection with Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 22:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, harassing and to the extent it

violates the work-product immunity doctrine and/or attorney client privilege and that the information is publically available and/or equally available to Plaintiff. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 23:**

All documents concerning Defendant's creation, selection or adoption of its Marks, including but not limited to any marketing studies, search reports, opinions, trademark or copyright registration searches, investigations or advice created for or rendered to Defendant.

**RESPONSE TO DOCUMENT REQUEST NO. 23:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no non-privileged documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 24:**

All documents concerning Defendant's uses and/or intended uses for Defendant's Mark in the United States.

**RESPONSE TO DOCUMENT REQUEST NO. 24:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further

objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 25:**

All documents concerning Defendant's first use of Defendant's Marks in commerce including the date of first sale.

**RESPONSE TO DOCUMENT REQUEST NO. 25:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 26:**

Samples of each of Defendant's Goods sold and offered for sale and alleged to be used in commerce and alleged intent-to-use under Defendant's Marks

**RESPONSE TO DOCUMENT REQUEST NO. 26:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of

either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 27:**

All documents sufficient to identify the target consumers for Defendant's Goods sold under Defendant's Marks, including but not limited to marketing studies, research reports, consumer correspondence, consumer surveys, opinions and investigations.

**RESPONSE TO DOCUMENT REQUEST NO. 27:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 28:**

All documents concerning the creation, selection, manufacture and/or development of any of Defendant's Goods made under Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 28:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 29:**

All documents sufficient to identify the goods that are sold, will be sold or are in development to be sold under Defendant's Mark, whether or not currently in use in commerce.

**RESPONSE TO DOCUMENT REQUEST NO. 29:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 30:**

All documents sufficient to identify any and all former, current or prospective retailers, wholesalers or other sellers and/or distributors and sellers of any of Defendant's Goods sold under Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 30:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 31:**

All documents sufficient to identify the geographic regions of the United States in which any of Defendant's Goods sold under Defendant's Marks are currently offered for sale or will be offered for sale.

**RESPONSE TO DOCUMENT REQUEST NO. 31:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 32:**

All documents sufficient to identify any and all domain names registered by or on behalf of Defendant incorporating Defendant's Marks, including but not limited to applications, registrations, agreements, correspondence and e-mails.

**RESPONSE TO DOCUMENT REQUEST NO. 32:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 33:**

Copies of all advertising and promotional materials including, but not limited to, pamphlets, promotional materials, labels, signage, business cards, letterhead or invoices, used in the United States or proposed to be used in the United States, in connection with the sale of Defendant's Goods bearing Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 33:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 34:**

All documents concerning publicity for Defendant's Marks in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional literature, whether published in print, broadcast or electronic form.

**RESPONSE TO DOCUMENT REQUEST NO. 34:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 35:**

All documents concerning publicity for Defendant's Goods in the United States, including but not limited to press releases, brochures, flyers, advertisements and promotional literatures, whether published in print, broadcast or electronic form.

**RESPONSE TO DOCUMENT REQUEST NO. 35:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 36:**

All documents concerning promotional events in the United States sponsored by Defendant involving Defendant's Marks, including but not limited to press and/or launch parties, promotions and social events.

**RESPONSE TO DOCUMENT REQUEST NO. 36:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 37:**

All documents concerning consumer recognition of Defendant's Marks in the United States.

**RESPONSE TO DOCUMENT REQUEST NO. 37:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 38:**

All documents concerning Defendant's business, marketing, and advertising plans and strategies for Defendant's Goods sold under Defendant's Marks, including, but not limited to, and plans to advertise Defendant's Goods sold under Defendant's Mark on television stations, radio stations, Internet web sites, cable television stations, national television networks, newspapers, magazines, circulars or other media outlets.

**RESPONSE TO DOCUMENT REQUEST NO. 38:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 39:**

All documents sufficient to identify Defendant's annual expenses in the United States for its business, marketing, advertising and promotional plans, publicity and strategies concerning Defendant's Marks from the date of inception to the present.

**RESPONSE TO DOCUMENT REQUEST NO. 39:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 40:**

All documents concerning communications with any outside consultants concerning Defendant's Mark including but not limited to correspondence to or from publicity firms, public relations agents, advertising agencies, sales agencies, marketing firms and other consulting firms.

**RESPONSE TO DOCUMENT REQUEST NO. 40:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 41:**

Representative samples of each piece of advertising or promotional material or proposed advertising or promotional material showing use of Defendant's Marks in connection with Defendant's Goods, including a page (if applicable) that identifies the medium and date of publication of such advertisement or promotion.

**RESPONSE TO DOCUMENT REQUEST NO. 41:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 42:**

All documents concerning unsolicited media attention in the United States received by Defendant in connection with Defendant's Marks, including, but not limited to, magazine and newspaper articles, broadcast media and electronic publications in the past 12 years.

**RESPONSE TO DOCUMENT REQUEST NO. 42:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 43:**

All documents showing, discussing, concerning and/or comparing Defendant's Goods to the goods of any competitor or any other person or entity offering goods comparable to Defendant's Goods.

**RESPONSE TO DOCUMENT REQUEST NO. 43:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 44:**

All documents concerning the intended purchaser(s) of Defendant's Goods, bearing Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 44:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 45:**

All documents concerning the licensing or assignment of any trademark, copyright, domain name or contractual rights in Defendant's Marks or prospective licensing or assignment of any trademark, copyright or contractual rights for Defendant's Marks to any third party.

**RESPONSE TO DOCUMENT REQUEST NO. 45:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 46:**

All documents reflecting past, present and potential agents, licensees, joint venture partners, sponsors or promoters, hired by or on behalf of Defendant in connection with Defendant's Goods offered under Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 46:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 47:**

All documents, including, but not limited to, any studies, reports, analysis, and/or communications prepared by or for Defendant, concerning Defendant's Goods.

**RESPONSE TO DOCUMENT REQUEST NO. 47:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no non-privileged documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 48:**

All documents concerning any goods in International Class 3 that are offered for sale or sold by any third party and which use the term GAGA or any term substantially similar thereto including, but not limited to, in the name of the product and/or, packaging of the product.

**RESPONSE TO DOCUMENT REQUEST NO. 48:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Subject to and without waiving the foregoing objections, Defendant responds that there are no non-privileged documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 49:**

All documents concerning Defendant's efforts to enforce Defendant's Marks.

**RESPONSE TO DOCUMENT REQUEST NO. 49:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 50:**

All documents concerning any allegations of infringement of Defendant's Marks or lawsuits filed which allege infringement of Defendant's Marks, against any individual or entity.

**RESPONSE TO DOCUMENT REQUEST NO. 50:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no non-privileged documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 51:**

All documents concerning Defendant's denials in the Answer.

**RESPONSE TO DOCUMENT REQUEST NO. 51:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, harassing and to the extent

it violates the work-product immunity doctrine and/or attorney client privilege. Defendant also objects to this Request on the ground that it is premature at this stage of the proceeding. Subject to and without waiving the foregoing objections, Defendant responds that it will produce responsive, non-privileged documents in its possession, custody or control, if any.

**DOCUMENT REQUEST NO. 52:**

All documents concerning any coexistence agreements concerning Defendant's Marks to which Defendant is a party.

**RESPONSE TO DOCUMENT REQUEST NO. 52:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 53:**

All documents reviewed and/or relied upon in drafting the Answer.

**RESPONSE TO DOCUMENT REQUEST NO. 53:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 54:**

All documents sufficient to identify all persons with knowledge or information concerning the subject matter of this Action.

**RESPONSE TO DOCUMENT REQUEST NO. 54:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Subject to and without waiving the foregoing objections, Defendant responds that it will produce responsive, non-privileged documents in its possession, custody or control, if any.

**DOCUMENT REQUEST NO. 55:**

All documents sufficient to show Defendant's revenue of sale of each of Defendant's Goods in Class 3 in the United States each year from the date of first use.

**RESPONSE TO DOCUMENT REQUEST NO. 55:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 56:**

All documents concerning registration of the domain names [ladygaga.com](http://ladygaga.com), [hausofgaga.com](http://hausofgaga.com), [ladygagafame.com](http://ladygagafame.com), and any other domain name affiliated, associated with and or owned by Defendant.

**RESPONSE TO DOCUMENT REQUEST NO. 56:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 57:**

All documents concerning any press releases concerning this Action or concerning the dispute between Plaintiff and Defendant in general.

**RESPONSE TO DOCUMENT REQUEST NO. 57:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege and that the information is publically available and/or equally available to Plaintiff. Subject to and without waiving the foregoing objections, Defendant responds that it will produce responsive, non-privileged documents in its possession, custody or control, if any.

**DOCUMENT REQUEST NO. 58:**

All documents concerning the decision to issue a press release concerning this Action or concerning the dispute between Plaintiff and Defendant in general.

**RESPONSE TO DOCUMENT REQUEST NO. 58:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege and that the information is publically available and/or equally available to

Plaintiff. Subject to and without waiving the foregoing objections, Defendant responds that it will produce responsive, non-privileged documents in its possession, custody or control, if any.

**DOCUMENT REQUEST NO. 59:**

All documents sufficient to show use in the United States of Defendant's Marks on each item listed in Defendant's Applications, including invoices and the identifies of each and every purchase of Defendant's Goods.

**RESPONSE TO DOCUMENT REQUEST NO. 59:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 60:**

All opinion letters Defendant received and or solicited concerning the right to file Applications for the LADY GAGA, HAUS OF GAGA and LADY GAGA FAME marks in International Class 3 with the United States Patent and Trademark Office.

**RESPONSE TO DOCUMENT REQUEST NO. 60:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it violates the work-product immunity doctrine and/or attorney client privilege. Defendant further objects to this Request on the ground that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the foregoing

objections, Defendant responds that there are no non-privileged documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 61:**

All documents and things sufficient to support the declarations filed in connection with all of Defendant's Goods including but not limited to product samples and retailers of every good declared to be currently in use in commerce under Application Serial No. 85115004.

**RESPONSE TO DOCUMENT REQUEST NO. 61:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 62:**

All documents and things sufficient to support the declarations filed in connection with all of Defendant's Goods including but not limited to product samples and retailers of every good declared as intent-to-use in commerce under Application Serial No. 85282152.

**RESPONSE TO DOCUMENT REQUEST NO. 62:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it seeks documents and information relating to marks and/or matters that are neither at issue in this proceeding nor relevant to the claims or defenses of either party.

**DOCUMENT REQUEST NO. 63:**

All documents and things sufficient to support the declarations filed in connection with all of Defendant's Goods including but not limited to product samples and retailers of every

good declared as intent-to-use in commerce under Application Serial No. 85215017.

**RESPONSE TO DOCUMENT REQUEST NO. 63:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Subject to and without waiving the foregoing objections, Defendant responds that there are no documents responsive to this Request in its possession, custody or control.

**DOCUMENT REQUEST NO. 64:**

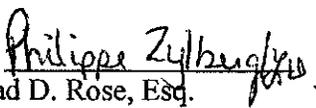
All documents and things that Defendant intends to rely on during the testimony and trial periods in the Action.

**RESPONSE TO DOCUMENT REQUEST NO. 64:**

Defendant objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and to the extent it violates the work-product immunity doctrine and/or attorney client privilege. Defendant also objects to this Request on the ground that it is premature at this stage of the proceeding. Subject to and without waiving the foregoing objections, Defendant responds that it will produce responsive, non-privileged documents in its possession, custody or control, if any.

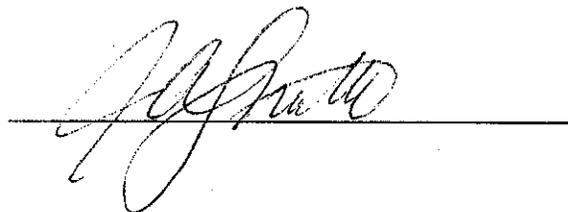
Dated: December 28, 2012

Respectfully submitted,

By   
Brad D. Rose, Esq.  
Nicole E. Kaplan, Esq.  
Philippe Zylberg, Esq.  
Pryor Cashman LLP  
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New York, NY 10036  
Attorneys for Defendant

I am an authorized signatory for Ate My Heart Inc and am familiar with the facts and circumstances set forth herein. I have read the foregoing DEFENDANT'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES. The contents thereof are true to my own knowledge, except as to those matters therein stated upon information and belief, and, as to those matters, I believe them to be true.

JOE GERMANOTTA

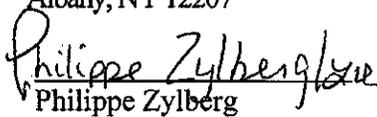
A handwritten signature in cursive script, appearing to read "Joe Germanotta", is written over a solid horizontal line.

Date: December 27, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing RESPONSE TO PLAINTIFF'S  
FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS upon Defendant by  
mailing a copy thereof via overnight mail, FedEx on December 28, 2012 to:

Christina Sukljan  
13 Manor Street  
Albany, NY 12207

  
Philippe Zylberg