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

Proceeding	91205046
Party	Defendant Ate My Heart Inc.
Correspondence Address	BRAD D ROSE PRYOR CASHMAN LLP 7 TIMES SQ, FL 3 NEW YORK, NY 10036-6569 UNITED STATES mshine@pryorcashman.com, tmdocketing@pryorcashman.com, cabramsky@pryorcashman.com
Submission	Opposition/Response to Motion
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Signature	/pz/
Date	02/12/2013
Attachments	Opposition to Motion to Compel.PDF ( 71 pages )(778336 bytes )

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

In the Matter of Trademark Application No. 85215017  
for the mark HAUS OF GAGA

-----X

CHRISTINA SUKLJIAN,	:	
	:	Opposition No. 91205046
Opposer,	:	
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	
	:	
ATE MY HEART, INC.,	:	Cancellation No. 92055279
	:	
Petitioner,	:	
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	

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**AMH'S OPPOSITION TO SUKLJIAN'S MOTION TO COMPEL**

Petitioner/ Applicant Ate My Heart, Inc. ("AMH"), submits this brief in opposition to Respondent/ Opposer Christina Sukljian's ("Sukljian") motion to compel.

Sukljian's motion to compel is a work of fiction. It is a baseless motion constructed on falsehoods. Sukljian's claim that AMH did not properly respond to her requests is utterly untrue, because her supposed requests were not received by AMH. In fact, to the extent Sukljian's certificate of service is to be believed, she sent her requests to "AMH c/o Pryor Cashman," as opposed to the attention of the counsel she has been dealing with for the past year. Her failure to

identify the responsible attorneys on this matter could result in her requests not being received by the proper individual in a timely fashion.

Moreover, even assuming Sukljian did serve the requests and failed to hear back from AMH as she claims, Sukljian never once contacted AMH by phone, email, correspondence or otherwise to advise AMH of its oversight. Sukljian, bent on pursuing this frivolous motion against AMH, preferred to file a motion to compel rather than resolving this dispute amicably.

In fact, AMH's documents are entirely irrelevant to this cancellation proceeding. The proceeding involves Sukljian's non-use of her registration. Sukljian has not challenged AMH's standing to bring this cancellation, nor did she raise the issue of AMH's standing as an affirmative defense. In addition, she asserted no counterclaims concerning the use or lack thereof of AMH's trademarks. Accordingly, AMH's documents and information concerning the use and/or planned use of its marks is unrelated to this proceeding. The only issue present here is whether Sukljian abandoned the mark GAGA PURE PLATINUM.<sup>1</sup>

Notwithstanding the foregoing, to the extent that Sukljian actually mailed the requests to AMH as she claimed, attached to this opposition as Exhibit A is a copy of AMH's responses, which are simultaneously being mailed to Sukljian as indicated on the certificate of service attached to AMH's responses. AMH, as is required under TBMP Rule 406.04(b) and 37 CFR § 2.120(d)(2), will make its documents available for inspection and copying. Thus, Sukljian's instant Motion to Compel is now moot.<sup>2</sup>

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<sup>1</sup> Sukljian served discovery requests in the consolidated opposition proceeding involving AMH's HAUS OF GAGA trademark, to which AMH timely responded.

<sup>2</sup> Sukljian slings a variety of wild – and false - accusations at AMH in her Motion. AMH addressed some of these outlandish claims in its responses to Sukljian's other Motion to Compel and her opposition to AMH's Motion for Sanctions. AMH does not feel the need to address them again here, particularly because they are irrelevant to this Motion.

**CONCLUSION**

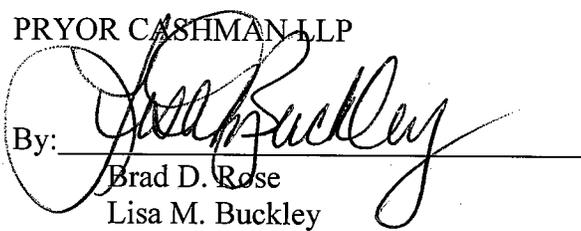
Sukljian's Motion to Compel AMH's responses was made in bad faith with no attempt to resolve this matter prior to resorting to motion practice. However, given that AMH responded to Sukljian's discovery requests, Sukljian's Motion to Compel must be denied as moot.

Dated: New York, New York  
February 12, 2013

Respectfully submitted,

PRYOR CASHMAN LLP

By: \_\_\_\_\_



Brad D. Rose  
Lisa M. Buckley  
Nicole E. Kaplan

Attorneys for Ate My Heart, Inc.  
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New York, New York 10036  
(212) 421-4100

**CERTIFICATE OF SERVICE**

I certify that on February 12, 2013, a true and correct copy of the foregoing **AMH'S OPPOSITION TO SUKLJIAN'S MOTION TO COMPEL** was mailed by overnight mail, FedEx, to:

Christina Sukljian  
13 Manor Street  
Albany, NY 12207

  
Name: Philippe Zylberg

# **EXHIBIT A**

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

In the Matter of Trademark Registration No. 2,898,544  
Mark: GAGA PURE PLATINUM

-----X  
ATE MY HEART INC, :  
 : Cancellation No. 92055279  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 CHRISTINA SUKLJIAN, :  
 :  
 Defendant. :  
-----X

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

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

**GENERAL OBJECTIONS**

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

4. Plaintiff 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. Plaintiff 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 Defendant 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 Plaintiff.

6. Plaintiff 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 Plaintiff.

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

9. Plaintiff 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. Plaintiff objects to each interrogatory to the extent that it is indefinite as to time.

11. Plaintiff 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 Plaintiff from the sales of Plaintiff's Goods in the United States sold under Plaintiff's Marks each year since Plaintiff's alleged first use of Plaintiff's Mark in 2010 and the same for all of Plaintiff's applied for intent-to-use marks.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

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

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 3:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 4:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 5:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 6:**

All documents concerning use, intent-to-use, and actual use in commerce of all Plaintiff'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 Plaintiff's Marks, including but not limited to purchase orders placed by Plaintiff, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Plaintiff's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 7:**

All documents concerning use, intent-to-use, and actual use in commerce of all Plaintiff'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 Plaintiff's Marks, including but not limited to purchase orders placed by Plaintiff, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Plaintiff's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 8:**

All documents concerning use, intent-to-use, and actual use in commerce of all Plaintiff'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 Plaintiff's Marks, including but not limited to purchase orders placed by Plaintiff, confirmations, manufacturing, shipping and customs records, bill of lading and delivery receipts, orders for product from customers, Plaintiff's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 9:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 10:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 11:**

All documents sufficient to identify all former, current or prospective direct customers of Plaintiff's Goods bearing Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 12:**

All documents concerning the current inventory of all Plaintiff's Goods in Plaintiff's possession bearing Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 13:**

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

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

Plaintiff 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, Plaintiff 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, hausofgaga.com, ladygagafame.com and atemyheart.com were launched.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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, ladygagafame.com and atemyheart.com.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 16:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's

GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 17:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 18:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of

Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 19:**

All documents sufficient to show the relationship between Plaintiff 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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 20:**

All documents concerning the sale of Plaintiff's Goods by but not limited to ladygaga.com, hauso fgaga.com, ladygagafame.com, atemyheart.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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 21:**

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

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

Plaintiff 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. Plaintiff 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.

The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 22:**

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

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

Plaintiff 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 Defendant. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 23:**

All documents concerning Plaintiff'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 Plaintiff.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 24:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 25:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 26:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 27:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 28:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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 Plaintiff's Mark, whether or not currently in use in commerce.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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 Plaintiff's Goods sold under Plaintiff's Marks.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 31:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 32:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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 Plaintiff's Goods bearing Plaintiff's Marks.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 34:**

All documents concerning publicity for Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 35:**

All documents concerning publicity for Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 36:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of

Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 37:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 38:**

All documents concerning Plaintiff's business, marketing, and advertising plans and strategies for Plaintiff's Goods sold under Plaintiff's Marks, including, but not limited to, and plans to advertise Plaintiff's Goods sold under Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 39:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 40:**

All documents concerning communications with any outside consultants concerning Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 41:**

Representative samples of each piece of advertising or promotional material or proposed advertising or promotional material showing use of Plaintiff's Marks in connection with Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 42:**

All documents concerning unsolicited media attention in the United States received by Plaintiff in connection with Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 43:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 44:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 45:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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 Plaintiff in connection with Plaintiff's Goods offered under Plaintiff's Marks.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 47:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark.

The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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:**

Plaintiff 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, Plaintiff 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 Plaintiff's efforts to enforce Plaintiff's Marks.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 50:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 51:**

All documents concerning Plaintiff's claims in its Petition to Cancel Defendant's Trademark in this Action.

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

Plaintiff 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. Plaintiff 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, Plaintiff responds that responsive, non-privileged documents in its possession, custody or control, if any, will be made available for inspection and copying at a date and time mutually convenient to the parties.

**DOCUMENT REQUEST NO. 52:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 53:**

All documents reviewed and/or relied upon by Plaintiff in drafting the Petition to Cancel Defendant's Trademark in this Action.

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

Plaintiff 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. Subject to and without waiving the foregoing objections, Plaintiff responds that responsive, non-privileged documents in its possession, custody or control, if any, will be made available for inspection and copying at a date and time mutually convenient to the parties.

**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:**

Plaintiff 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, Plaintiff responds that responsive, non-privileged documents in its possession, custody or control, if any, will be made available for inspection and copying at a date and time mutually convenient to the parties.

**DOCUMENT REQUEST NO. 55:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 56:**

All documents concerning registration of the domain names ladygaga.com, hausofgaga.com, ladygagafame.com, atemyheart.com and any other domain name affiliated, associated with and or owned by Plaintiff.

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 57:**

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

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

Plaintiff 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 Defendant. Subject to and without waiving the foregoing objections, Plaintiff responds that responsive, non-privileged documents in its possession, custody or control, if any, will be made available for inspection and copying at a date and time mutually convenient to the parties.

**DOCUMENT REQUEST NO. 58:**

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

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

Plaintiff objects to this Request for the reasons set forth in the General Objections and

specifically to the extent that it is confusing, unintelligible, violates the work-product immunity doctrine and/or attorney client privilege and that the information is publically available and/or equally available to Defendant. Subject to and without waiving the foregoing objections, Plaintiff responds that responsive, non-privileged documents in its possession, custody or control, if any, will be made available for inspection and copying at a date and time mutually convenient to the parties.

**DOCUMENT REQUEST NO. 59:**

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

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

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 60:**

All opinion letters Plaintiff 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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 61:**

All documents and things sufficient to support the declarations filed in connection with all of Plaintiff'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:**

Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 62:**

All documents and things sufficient to support the declarations filed in connection with all of Plaintiff'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:**

Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 63:**

All documents and things sufficient to support the declarations filed in connection with all of Plaintiff'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:**

Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**DOCUMENT REQUEST NO. 64:**

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

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

Plaintiff 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. Plaintiff also objects to this Request on the ground that it is premature at this stage of the proceeding.

**DOCUMENT REQUEST NO. 65:**

For each expert witness Plaintiff intends to call, a copy of such witness's resume, all documents concerning communications between such witness and Defendant, all documents evidencing any opinion formed by such witness, and all documents relied upon by such witness in forming an opinion as to the substance of such witness' testimony.

**RESPONSE TO DOCUMENT REQUEST NO. 65:**

Plaintiff 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. Plaintiff also objects to this Request on the ground that it is premature at this stage of the proceeding.

Dated: February 12, 2013

Respectfully submitted,

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

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing RESPONSE TO DEFENDANT'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS upon Defendant by mailing a copy thereof via overnight mail, FedEx on February 12, 2013 to:

Christina Sukljan  
13 Manor Street  
Albany, NY 12207

  
Philippe Zylberg

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

In the Matter of Trademark Registration No. 2,898,544  
Mark: GAGA PURE PLATINUM

-----X  
ATE MY HEART INC, :  
 : Cancellation No. 92055279  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 CHRISTINA SUKLJIAN, :  
 :  
 Defendant. :  
-----X

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

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

**GENERAL OBJECTIONS**

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

1. Plaintiff 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. Plaintiff 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. Plaintiff 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. Plaintiff 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, Plaintiff will provide such information only subject to the confidentiality order in effect according to the TTAB rules, and Plaintiff expressly reserves all rights in connection with such information.

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

7. Plaintiff 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. Plaintiff 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 Plaintiff, 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 Plaintiff 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, Plaintiff does not concede, imply, or admit that any information responsive to such interrogatory exists.

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

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

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

15. By responding to any particular interrogatory, Plaintiff 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, Plaintiff 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 Plaintiff's right to object to the use of such information during this proceeding.

17. Plaintiff reserves the right to amend, modify, and supplement these responses as appropriate. Plaintiff 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 Plaintiff's Goods sold in connection with Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

#### **INTERROGATORY NO. 2:**

Identify persons having knowledge or information concerning any of the facts Plaintiff'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:**

Plaintiff 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. Plaintiff further objects to this interrogatory on the ground that it did not file an Answer in this instant Cancellation proceeding. Subject to and without waiving the foregoing objections, Plaintiff identifies Defendant, Ms. Christina Sukljian, and Mr. Carlos Fernandez, a private investigator with IPEC, Inc., as persons that possess information concerning the facts Plaintiff relied on in this instant Cancellation Proceeding.

**INTERROGATORY NO. 3:**

Specify the amount of (a) sales; (b) revenues; (c) profits; and (d) advertising and promotional expenditures for all of Plaintiff's Goods sold that bear Plaintiff's Marks that have been by Plaintiff 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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its

trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 4:**

Describe in detail the actual use of Plaintiff's Marks on Plaintiff's Goods by identifying each type of item that bears Plaintiff's Marks and identifying the manner in which Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 5:**

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

**RESPONSE TO INTERROGATORY NO. 5:**

Plaintiff objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 6:**

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

- (a) Plaintiff's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;
- (b) Plaintiff's targeted consumer group and/or targeted demographics;
- (c) The price points at which Plaintiff's Goods bearing Plaintiff's Marks are sold to consumers; and
- (d) The amount of money Plaintiff 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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of

its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 7:**

For each type of item identified in response to Interrogatory No. 7 above, state Plaintiff'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 Plaintiff's response.

**RESPONSE TO INTERROGATORY NO. 7:**

Plaintiff objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing and incomprehensible. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 8:**

Identify any and all persons Plaintiff has authorized, licensed or otherwise granted the right to use Plaintiff's Marks in commerce in connection with Plaintiff'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 Plaintiff's Marks.

**RESPONSE TO INTERROGATORY NO. 8:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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 Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 10:**

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

**RESPONSE TO INTERROGATORY NO. 10:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 11:**

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

**RESPONSE TO INTERROGATORY NO. 11:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 12:**

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

**RESPONSE TO INTERROGATORY NO. 12:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 13:**

Identify the registration date of Plaintiff's Facebook account for LADY GAGA, HAUS OF GAGA, LADY GAGA FAME and ATE MY HEART.

**RESPONSE TO INTERROGATORY NO. 13:**

Plaintiff 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 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 and. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 14:**

Identify and describe the relationship between Plaintiff, 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 Plaintiff'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:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 15:**

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

**RESPONSE TO INTERROGATORY NO. 15:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 16:**

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

**RESPONSE TO INTERROGATORY NO. 16:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 17:**

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

**RESPONSE TO INTERROGATORY NO. 17:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 18:**

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

**RESPONSE TO INTERROGATORY NO. 18:**

Plaintiff 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. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**INTERROGATORY NO. 19:**

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

**RESPONSE TO INTERROGATORY NO. 19:**

Plaintiff objects to this interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing and incomprehensible. Plaintiff 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. The only issue present in the instant Cancellation Proceeding is the non-use of Defendant's GAGA PURE PLATINUM trademark. The nature and extent of Plaintiff's use of its trademarks have no bearing in this instant cancellation proceeding.

**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:**

As the responses are legal in nature, counsel assisted in responding to the interrogatories.

**INTERROGATORY NO. 21:**

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

**RESPONSE TO INTERROGATORY NO. 21:**

Plaintiff 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, Plaintiff responds that no documents or things were relied upon in responding to these Interrogatories.

Dated: February 12, 2013

Respectfully submitted,

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

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT'S FIRST SET OF INTERROGATORIES upon Defendant by mailing a copy thereof by overnight mail, FedEx on February 12, 2013 to the following:

Christina Sukljian  
13 Manor Street  
Albany, NY 12207

  
Philippe Zylberg