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Filing date: **02/12/2013**

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	Reply in Support of Motion
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Signature	/pz/
Date	02/12/2013
Attachments	Reply and Opposition.PDF ( 89 pages )(1436558 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.	:	

-----X

**REPLY TO SUKLJIAN’S OPPOSITION TO AMH’S MOTION TO COMPEL  
AND OPPOSITION TO SUKLJIAN’S MOTION TO COMPEL**

Petitioner/ Applicant Ate My Heart, Inc. (“AMH”), submits this brief in reply to Respondent/ Opposer Christina Sukljian’s (“Sukljian”) opposition to AMH’s motion to compel and in opposition to Sukljian’s motion to compel.

In support of this motion, AMH relies on this memorandum of law, the Declaration of Nicole E. Kaplan (“Kaplan Decl.”) and the Declaration of Philippe Zylberg (Zylberg Decl.) filed herewith, together with the Exhibits attached thereto.

### Preliminary Statement

Notwithstanding Suktjian's ranting about things that are demonstrably false or her blatant fabrication of so-called facts, the issue on this Motion is very simple and what makes it even more simple is that Suktjian admits that the only information she produced to AMH in response to its comprehensive discovery requests was a link to her website. Nothing else. For all of her purported publicity (none of which she alleges is actually related to her supposed mark) as well as her naked claims of continuous use since 2001, Suktjian did not produce one invoice, one shipping document, any customer lists, advertisement examples or anything else proving that the mark was ever used in commerce. These items were properly and reasonably requested by AMH and are not subject to any privilege, as she claimed in her responses. Her failure to produce them - months after AMH served its requests - means one of two things: (1) she does not have any documents reflecting any sales of goods bearing her trademark; or (2) that she simply refuses to abide by the rules for discovery in this action, which require her to respond to the discovery requests and produce documents, or subject herself to sanctions.

The evidence adduced to date shows that Suktjian registered a trademark that she never used and never had any intention to use. Once Lady Gaga rose to international fame and began receiving virtually unparalleled publicity, Suktjian decided to capitalize on Lady Gaga's fame and good will by commencing use of the mark in commerce. Indeed, her domain name for the gagapureplatinum.com website was registered in 2011 - three years after Lady Gaga achieved worldwide renown. More specifically, the actual website associated with the domain did not go "live" until *after* AMH filed the cancellation action against Suktjian's registration - something she admitted on the phone during discussions with counsel. Put simply, Suktjian will not produce responsive documents illustrating that she has been actively using her mark in

commerce since 2001 because, in fact, there are none. If there were such documents, producing them might help Sukljian's case; thus, it is reasonable to believe that if she had such documents she would have produced them. By the same token, it is logical to believe that Sukljian's failure to produce the documents means she does not have any. Indeed, nowhere in her papers does she say she has any proof that she sold even one item bearing her mark.

Sukljian is attempting to use her registration as both a shield and a sword. However, the Board cannot permit her to rely on her supposed registration to oppose AMH's trademark without forcing her to prove that her trademark is valid – that it has not been abandoned and that it has been continuously used as she alleges. Sukljian should be compelled to respond to AMH's discovery requests or stop this charade by admitting she has no documents.

Sukljian's motion to compel is a baseless motion built entirely on a house of lies – there is just no nicer way to say it. Sukljian's claim that AMH did not properly respond to her requests is demonstrably false. AMH timely responded to Sukljian's requests and has the documentation from the mail carrier confirming service. Moreover, her claim that AMH did not produce documents in response to her requests is also untrue. AMH explicitly advised Sukljian in its responses that it would produce documents in response to Sukljian's requests and, as it is required to do under the TBMP, AMH made its documents available for inspection and copying. Sukljian never called or wrote to advise that she was coming to inspect and copy documents. On these facts – which are supported by evidence, not unsupported unsworn statements in a brief – it is clear that Sukljian's Motion to Compel lacks any credible basis.

Finally, Sukljian's claim (through a paragraph copied directly from AMH's motion papers), that she granted AMH an extension to respond to discovery is yet another outright lie.

AMH never requested an extension to respond to her requests, and was therefore not granted one - a fact demonstrated by the certificate of service accompanying AMH's responses.

Sukljian's motion to compel is nothing more than a disingenuous attempt to play offense when she should be on the defensive given her utter failure to participate in discovery in this case, especially in light of the Board's Order compelling her to do so in the Cancellation Action consolidated herein. What is worse is that she is literally making up "facts" in support of her nonsensical motion. Sukljian made no effort - let alone a good faith one - to resolve this discovery dispute. Sukljian should not be permitted to make a mockery of these proceedings with her brazen deceptions.<sup>1</sup>

### **ARGUMENT**

#### **A. AMH's Motion to Compel Should be Granted**

Sukljian's claim to have "fully complied to answer discovery and has answered every one of [AMH's] Discovery Requests" is demonstrably false. AMH requested that Sukljian produce information and documents to prove that Sukljian has actually been using her Mark on each of the items identified in its registration since the date of first use claimed in Sukljian's registration. Sukljian's only response to AMH's requests was object to each with "claim of privilege" and provide a link to her website, which was registered years after Lady Gaga became famous and did not go "live" until after AMH petitioned to cancel Sukljian's registration. *See* Kaplan Decl. ¶ 5. It is obvious that what Sukljian admits is the totality of her discovery responses and document

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<sup>1</sup> Sukljian's attempts to paint AMH as a tormentor (though not relevant to the instant motion) are complete fabrication and further evidence of her own bad faith. Sukljian accuses AMH of making "false and defamatory statements" to the Village Voice but conveniently omits that she initiated the entire exchange with her own slanderous statements. Sukljian - not AMH - sent an email to the Village Voice that began "Lady Gaga (Ate My Heart, Inc /Stefani Germanotta) is a bully..." and concluded with "her tactic is to lie by using fraudulent, baseless and groundless claims.... Looks like she's living up to her self proclaimed title of 'mother monster' and has proven to be a total hypocrite." AMH's response was solicited. *See* Kaplan Decl. ¶ 6.

production are wholly inadequate to support a claim that she has continuously been using the mark in commerce.

AMH's discovery requests are tailored to elicit information from Sukljian that are relevant to her defense in the cancellation proceeding and that would also form the basis for her opposition to AMH's application to register the mark HAUS OF GAGA. Thus, the items responsive to AMH's Discovery Requests include but are not limited to invoices, the quantity of items sold under the mark each year, annual revenues received from items sold under the mark, advertising examples, annual advertising expenditures, customer lists, contracts or licenses relating to the use of the mark and packaging for the goods.

None of these items were provided and none are on the website identified by Sukljian – two facts that Sukljian cannot and does not dispute. Nor can Sukljian hide behind her so-called “general objections” of “vagueness” and “privilege” to every single one of AMH's document requests to justify her failure to produce even one document supporting her contention that she has continuously used her mark in commerce since 2001.

Where, as here, a party fails to comply with its discovery obligations, the opposing party may file a motion to compel. Fed. R. Civ. P. 26(b) provides for discovery regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. Each party has a duty to make a good faith effort to satisfy the discovery needs of its adversary. *See Sentrol Inc. v. Sentex Systems Inc.*, 231 USPQ 666 (TTAB 1986).

Putting aside all of Sukljian's fabrications, Sukljian actually proves AMH's point that she is stonewalling AMH's discovery efforts. Sukljian has had many opportunities to produce documents and respond to AMH's interrogatories (e.g., in response to AMH's requests; in response to AMH's counsel's correspondence and calls; in response to the Board's Order; in

response to AMH's motions to compel ...) but has not produced a shred of evidence showing her supposed longstanding use of the mark in commerce. Moreover, though she cites to her website that did not go "live" until after AMH filed its cancellation action, there is no proof that the website resulted in even one sale of one item of merchandise, much less sales dating back to 2001 – and, Sukljian does not state otherwise, despite her penchant for making up self-serving facts. Accordingly, AMH requests that its motion to compel Sukljian's responses be granted in its entirety.

**B. Sukljian's Motion to Compel Should Be Denied**

Sukljian claims in her Motion that AMH did not respond to discovery. This too is a complete fabrication. AMH's responses to discovery were timely filed without the two-week extension as Sukljian falsely claims she granted. *See* Kaplan Decl. ¶ 8; Zylberg Decl. ¶ 6. In fact, AMH's Federal Express mailing confirmation and the certificate of service, conclusively demonstrate that Sukljian is just making up this purported two-week extension. *See* Zylberg Decl. ¶ 5. Sukljian served her requests on November 24, 2012. AMH's responses were due by December 29, 2012. AMH served its responses on December 28, 2012 – the day before the actual due date, not two weeks later. *Id* at ¶ 3.

Sukljian attempts to further deceive the Board by claiming that AMH was negligent in producing documents with its discovery responses. This goes beyond what is required by the TBMP and the Federal Rules. TBMP Rule 406.04(b) and 37 CFR § 2.120(d)(2) provide as follows:

The production of documents and things under the provisions of Rule 34 of the Federal Rules of Civil Procedure will be made at the place where the documents and things are usually kept, or where the parties agree....

AMH, as it is required to do under the Federal Rules, made its documents available for inspection and copying. However, Sukljian did not contact AMH or its counsel to arrange a mutually agreeable date for Sukljian to come to AMH's counsel's offices to review the documents, or arrange for another form of production. *See* Kaplan Decl. ¶ 10. Sukljian's failure to review documents made available to her by AMH's counsel does not remotely support her contention that AMH has not cooperated in discovery.

Finally, Sukljian did not make any attempt to resolve the perceived deficiencies in AMH's discovery responses prior to her filing her baseless motion. *See* Kaplan Decl. ¶ 9. By contrast, when Sukljian repeatedly failed to respond to AMH's discovery requests in the cancellation action, AMH's counsel contacted her by phone, email and mail to attempt to resolve the dispute. In sum, Sukljian has failed to cooperate in discovery in either proceeding (notwithstanding the Board's Order in the Cancellation Action) and has fabricated facts in support of her meritless position. Sukljian should be sanctioned for her contumacious behavior. AMH, on the other hand, has complied with its obligations.

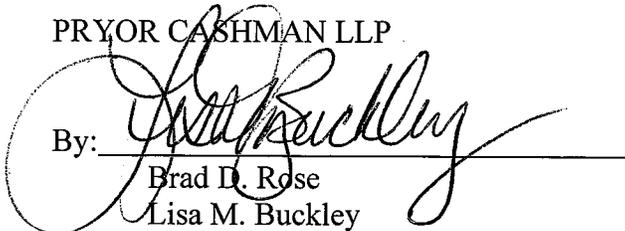
### **CONCLUSION**

Sukljian's papers are replete with lies and mischaracterizations, all of which are designed to obscure the fact that (1) she did not produce any responsive documents, likely because none exist and (2) that her motion to compel AMH's responses was made in bad faith with no attempt to resolve this matter prior to resorting to motion practice. For the foregoing reasons, AMH's motion to compel should be granted and Sukljian's denied.

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.

7 Times Square

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 **REPLY TO SUKLJIAN'S OPPOSITION TO AMH'S MOTION TO COMPEL AND OPPOSITION TO SUKLJIAN'S MOTION TO COMPEL** was mailed via overnight mail, FedEx to:

Christina Sukljan  
13 Manor Street  
Albany, NY 12207

  
Name: Philippe Zylberg



3. Sukljian did not comply with the Requests. Sukljian's only response to the Requests was to object to almost all of the Requests with "claim of privilege" and provide a link to her website, gagapureplatinum.com.

4. According to the whois registration information for that domain, the domain gagapureplatinum.com was registered in 2011 - years after Lady Gaga became famous and ten years after Sukljian's alleged use of her mark began. A printout of the whois registration information is attached hereto as Exhibit A.

5. Moreover, Sukljian advised me during the discovery conference in connection with this matter that the website associated with gagapureplatinum.com domain did not go "live" until after AMH petitioned to cancel Sukljian's registration.

6. Sukljian's accusation that AMH made "false and defamatory statements" to the Village Voice is untrue. Sukljian - not AMH - sent an email to the Village Voice that began "Lady Gaga (Ate My Heart, Inc /Stefani Germanotta) is a bully..." and concluded with "her tactic is to lie by using fraudulent, baseless and groundless claims.... Looks like she's living up to her self proclaimed title of 'mother monster' and has proven to be a total hypocrite." AMH's response was solicited by the Village Voice. A copy of the article is attached hereto as Exhibit B.

7. Sukljian served her First Set of Interrogatories and First Request for the Production of Documents (collectively "Sukljian's Discovery Requests") upon AMH's counsel on November 24, 2012.

8. I have never contacted Sukljian to request an extension of time to respond to Sukljian's Discovery Requests nor was I ever granted such an extension of time by Sukljian.

9. Sukljian never contacted me to discuss this discovery dispute prior to filing her Motion to Compel. I first became aware of her perceived issues with AMH's responses to Sukljian's Discovery Requests when she filed her Motion to Compel.

10. AMH's documents were made available for inspection and copying and are still available for inspection and copying. Sukljian has yet to contact AMH to arrange a time to review AMH's documents or to discuss an alternate method of production.

I declare, under the penalty of perjury, that the foregoing is true and correct.

  
\_\_\_\_\_  
Nicole E. Kaplan

# **EXHIBIT A**



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In an effort to combat the increasing abuse of this system, you must now enter the text shown in the image below in the **Key** field before submitting a query. There are no spaces. Lynx users (and others with a standard whois client) may wish to point their client at [whois.geektools.com](http://whois.geektools.com). [Why did we do this?](#)



Key:

Whois:

Checking server [ [whois.crsnic.net](http://whois.crsnic.net) ]

Checking server [ [whois.schlund.info](http://whois.schlund.info) ]

Results:

% The data in the WHOIS database of 1&1 Internet AG is provided by  
% 1&1 for information purposes, and to assist persons in obtaining  
% information about or related to a domain name registration record.  
% 1&1 does not guarantee its accuracy. By submitting a WHOIS query,  
% you agree that you will use this data only for lawful purposes and that,  
% under no circumstances, you will use this data to  
% (1) allow, enable, or otherwise support the transmission by e-mail,  
% telephone, or facsimile of mass, unsolicited, commercial advertising or

% solicitations to entities other than the data recipient's own existing  
% customers; or  
% (2) enable high volume, automated, electronic processes that send queries or  
% data to the systems of any Registry Operator or ICANN-Accredited registrar,  
% except as reasonably necessary to register domain names or modify existing  
% registrations.  
% 1&1 reserves the right to modify these terms at any time.  
% By submitting this query, you agree to abide by this policy.

domain: gagapureplatinum.com  
created: 11-Feb-2011  
last-changed: 11-Feb-2013  
registration-expiration: 11-Feb-2014

nserver: ns51.1and1.com 217.160.80.164  
nserver: ns52.1and1.com 217.160.81.164

status: CLIENT-TRANSFER-PROHIBITED

registrant-firstname: John  
registrant-lastname: Sukljian  
registrant-street1: 13 Manor ST  
registrant-pcode: 12207  
registrant-state: NY  
registrant-city: Albany  
registrant-ccode: US  
registrant-phone: +1.5184361833  
registrant-email: support@zela.com

admin-c-firstname: John  
admin-c-lastname: Sukljian  
admin-c-street1: 13 Manor ST  
admin-c-pcode: 12207  
admin-c-state: NY  
admin-c-city: Albany  
admin-c-ccode: US  
admin-c-phone: +1.5184361833  
admin-c-email: support@zela.com

tech-c-firstname: Hostmaster  
tech-c-lastname: ONEANDONE  
tech-c-organization: 1&1 Internet Inc.  
tech-c-street1: 701 Lee Rd.  
tech-c-street2: Suite 300  
tech-c-pcode: 19087  
tech-c-state: PA  
tech-c-city: Chesterbrook  
tech-c-ccode: US  
tech-c-phone: +1.8774612631  
tech-c-fax: +1.6105601501  
tech-c-email: hostmaster@1and1.com

bill-c-firstname: Hostmaster  
bill-c-lastname: ONEANDONE  
bill-c-organization: 1&1 Internet Inc.

bill-c-street1: 701 Lee Rd.  
bill-c-street2: Suite 300  
bill-c-pcode: 19087  
bill-c-state: PA  
bill-c-city: Chesterbrook  
bill-c-ccode: US  
bill-c-phone: +1.8774612631  
bill-c-fax: +1.6105601501  
bill-c-email: hostmaster@1and1.com

% See <http://registrar.1und1.info> for information about 1&1 Internet AG

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Browse Voice Nation

# the Village VOICE

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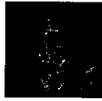
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I'm Profiled In  
Today's Wall  
Street Journal

By Michael Musto



Nightlife  
And The Winner  
Of Barracuda's  
'Star Search'  
is...

By Michael Musto



Advice  
'Has-Been' Isn't  
A Fair Term

By Michael Musto

Lady Gaga

## Lady Gaga Accused Of Bullying! She Defends Herself! Exclusive Story

By Michael Musto Tue., Jun. 26 2012 at 11:29 AM  
Categories: Lady Gaga

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1



In came the email:

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

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

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

All the public information is available at this link."

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

### Now Trending



Sam Champion's Engaged! Tom Ford's A Dad!



Chris Crocker's First Gay Porn Scene! NSFW



Paul Rudd in Grace: My Review

Here it is:

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

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

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

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

Judges?

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3. I served AMH's responses to the Discovery Requests upon Sukljian on December 28, 2012.

4. Annexed hereto as Exhibit A is a true and correct copy of AMH's responses to the Discovery Requests including the Certificates of Service stating that the responses to the Discovery Requests were served upon Sukljian on December 28, 2012.

5. Annexed hereto as Exhibit B is a true and correct copy of the Federal Express mailing confirmation showing that the responses to the Discovery Requests were picked up by Federal Express on December 28, 2012 and delivered to Sukljian's address on January 3, 2013.

6. I have never contacted Sukljian to request an extension of time to respond to the Discovery Requests nor was I ever granted such an extension of time by Sukljian.

I declare, under the penalty of perjury, that the foregoing is true and correct.

  
Philippe Zylberg

# **EXHIBIT A**

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

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

-----X

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

-----X

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

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

**GENERAL OBJECTIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SPECIFIC RESPONSES**

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

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

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

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

**INTERROGATORY NO. 2:**

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

**RESPONSE TO INTERROGATORY NO. 2:**

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

**INTERROGATORY NO. 3:**

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

**RESPONSE TO INTERROGATORY NO. 3:**

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

**INTERROGATORY NO. 4:**

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

**RESPONSE TO INTERROGATORY NO. 4:**

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

**INTERROGATORY NO. 5:**

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

**RESPONSE TO INTERROGATORY NO. 5:**

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

**INTERROGATORY NO. 6:**

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

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

**RESPONSE TO INTERROGATORY NO. 6:**

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

**INTERROGATORY NO. 7:**

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

**RESPONSE TO INTERROGATORY NO. 7:**

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

**INTERROGATORY NO. 8:**

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

**RESPONSE TO INTERROGATORY NO. 8:**

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

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

**INTERROGATORY NO. 9:**

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

**RESPONSE TO INTERROGATORY NO. 9:**

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

**INTERROGATORY NO. 10:**

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

**RESPONSE TO INTERROGATORY NO. 10:**

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

**INTERROGATORY NO. 11:**

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

**RESPONSE TO INTERROGATORY NO. 11:**

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

**INTERROGATORY NO. 12:**

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

**RESPONSE TO INTERROGATORY NO. 12:**

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

**INTERROGATORY NO. 13:**

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

**RESPONSE TO INTERROGATORY NO. 13:**

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

**INTERROGATORY NO. 14:**

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

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

**RESPONSE TO INTERROGATORY NO. 14:**

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

**INTERROGATORY NO. 15:**

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

**RESPONSE TO INTERROGATORY NO. 15:**

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

**INTERROGATORY NO. 16:**

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

**RESPONSE TO INTERROGATORY NO. 16:**

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

**INTERROGATORY NO. 17:**

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

**RESPONSE TO INTERROGATORY NO. 17:**

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

**INTERROGATORY NO. 18:**

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

Goods each year from 2010 to the present.

**RESPONSE TO INTERROGATORY NO. 18:**

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

**INTERROGATORY NO. 19:**

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

**RESPONSE TO INTERROGATORY NO. 19:**

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

**INTERROGATORY NO. 20:**

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

**RESPONSE TO INTERROGATORY NO. 20:**

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

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

**INTERROGATORY NO. 21:**

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

**RESPONSE TO INTERROGATORY NO. 21:**

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

Dated: December 28, 2012

Respectfully submitted,

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



**CERTIFICATE OF SERVICE**

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

Christina Sukjian  
13 Manor Street  
Albany, NY 12207

*Philippe Zylberg*  
Philippe Zylberg



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

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

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

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

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

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

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

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

**SPECIFIC RESPONSES**

**DOCUMENT REQUEST NO. 1:**

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

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

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

**DOCUMENT REQUEST NO. 2:**

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

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

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

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

**DOCUMENT REQUEST NO. 3:**

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

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

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

**DOCUMENT REQUEST NO. 4:**

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

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

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

**DOCUMENT REQUEST NO. 5:**

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

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

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

**DOCUMENT REQUEST NO. 6:**

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

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

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

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

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

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

**DOCUMENT REQUEST NO. 7:**

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

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

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

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

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

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

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

**DOCUMENT REQUEST NO. 8:**

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

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

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

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

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

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

**DOCUMENT REQUEST NO. 9:**

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

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

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

**DOCUMENT REQUEST NO. 10:**

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

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

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

**DOCUMENT REQUEST NO. 11:**

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

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

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

**DOCUMENT REQUEST NO. 12:**

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

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

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

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

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

**DOCUMENT REQUEST NO. 13:**

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

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

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

**DOCUMENT REQUEST NO. 14:**

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

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

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

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

**DOCUMENT REQUEST NO. 15:**

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

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

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

**DOCUMENT REQUEST NO. 16:**

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

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

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

**DOCUMENT REQUEST NO. 17:**

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

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

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

**DOCUMENT REQUEST NO. 18:**

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

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

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

**DOCUMENT REQUEST NO. 19:**

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

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

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

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

**DOCUMENT REQUEST NO. 20:**

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

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

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

**DOCUMENT REQUEST NO. 21:**

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

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

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

**DOCUMENT REQUEST NO. 22:**

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

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

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

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

**DOCUMENT REQUEST NO. 23:**

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

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

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

**DOCUMENT REQUEST NO. 24:**

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

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

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

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

**DOCUMENT REQUEST NO. 25:**

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

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

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

**DOCUMENT REQUEST NO. 26:**

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

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

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

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

**DOCUMENT REQUEST NO. 27:**

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

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

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

**DOCUMENT REQUEST NO. 28:**

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

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

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

**DOCUMENT REQUEST NO. 29:**

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

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

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

**DOCUMENT REQUEST NO. 30:**

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

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

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

**DOCUMENT REQUEST NO. 31:**

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

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

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

**DOCUMENT REQUEST NO. 32:**

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

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

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

**DOCUMENT REQUEST NO. 33:**

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

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

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

**DOCUMENT REQUEST NO. 34:**

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

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

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

**DOCUMENT REQUEST NO. 35:**

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

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

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

**DOCUMENT REQUEST NO. 36:**

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

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

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

**DOCUMENT REQUEST NO. 37:**

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

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

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

**DOCUMENT REQUEST NO. 38:**

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

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

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

**DOCUMENT REQUEST NO. 39:**

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

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

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

**DOCUMENT REQUEST NO. 40:**

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

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

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

**DOCUMENT REQUEST NO. 41:**

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

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

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

**DOCUMENT REQUEST NO. 42:**

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

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

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

**DOCUMENT REQUEST NO. 43:**

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

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

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

**DOCUMENT REQUEST NO. 44:**

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

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

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

**DOCUMENT REQUEST NO. 45:**

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

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

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

**DOCUMENT REQUEST NO. 46:**

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

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

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

**DOCUMENT REQUEST NO. 47:**

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

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

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

**DOCUMENT REQUEST NO. 48:**

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

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

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

**DOCUMENT REQUEST NO. 49:**

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

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

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

**DOCUMENT REQUEST NO. 50:**

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

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

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

**DOCUMENT REQUEST NO. 51:**

All documents concerning Defendant's denials in the Answer.

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

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

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

**DOCUMENT REQUEST NO. 52:**

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

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

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

**DOCUMENT REQUEST NO. 53:**

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

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

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

**DOCUMENT REQUEST NO. 54:**

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

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

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

**DOCUMENT REQUEST NO. 55:**

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

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

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

**DOCUMENT REQUEST NO. 56:**

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

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

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

**DOCUMENT REQUEST NO. 57:**

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

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

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

**DOCUMENT REQUEST NO. 58:**

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

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

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

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

**DOCUMENT REQUEST NO. 59:**

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

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

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

**DOCUMENT REQUEST NO. 60:**

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

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

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

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

**DOCUMENT REQUEST NO. 61:**

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

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

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

**DOCUMENT REQUEST NO. 62:**

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

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

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

**DOCUMENT REQUEST NO. 63:**

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

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

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

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

**DOCUMENT REQUEST NO. 64:**

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

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

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

Dated: December 28, 2012

Respectfully submitted,

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

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

JOE GERMANOTTA



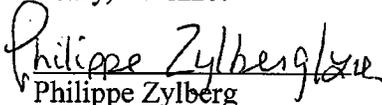
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Date: December 27, 2012

**CERTIFICATE OF SERVICE**

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

Christina Sukljan  
13 Manor Street  
Albany, NY 12207

  
Philippe Zylberg

# **EXHIBIT B**

**IMPORTANT!**  
 A winter storm is causing delays in CT, MN and NY. [Learn More](#)



<b>794406601943</b>		
Ship (P/U) date : <b>Fri 12/28/2012 8:08 pm</b> New York, NY US	 <b>Delivered</b> Signed for by: J.SEIJAKEN	Actual delivery : <b>Thur 1/03/2013 12:01 pm</b> ALBANY, NY US

**Travel History**

Date/Time	Activity	Location
<b>- 1/03/2013 - Thursday</b>		
12:01 pm	Delivered	ALBANY, NY
10:16 am	Delivery exception Customer not available or business closed	MENANDS, NY
8:59 am	Delivery exception Customer not available or business closed	MENANDS, NY
8:10 am	On FedEx vehicle for delivery	MENANDS, NY
<b>- 1/02/2013 - Wednesday</b>		
9:48 pm	At local FedEx facility	MENANDS, NY
7:49 pm	Delivery exception Customer not available or business closed	MENANDS, NY
3:20 pm	On FedEx vehicle for delivery	MENANDS, NY
9:56 am	Delivery exception Customer not available or business closed	MENANDS, NY
8:40 am	Delivery exception Customer not available or business closed	MENANDS, NY
8:08 am	On FedEx vehicle for delivery	MENANDS, NY
<b>- 12/31/2012 - Monday</b>		
9:28 pm	At local FedEx facility	MENANDS, NY
1:20 pm	Delivery exception Customer not available or business closed	MENANDS, NY
9:06 am	Delivery exception Customer not available or business closed	MENANDS, NY
8:20 am	On FedEx vehicle for delivery	MENANDS, NY
<b>- 12/29/2012 - Saturday</b>		
7:17 pm	At local FedEx facility	MENANDS, NY
9:36 am	Delivery exception Customer not available or business closed	MENANDS, NY
9:13 am	On FedEx vehicle for delivery	MENANDS, NY
8:36 am	At local FedEx facility	MENANDS, NY
6:49 am	At destination sort facility	LATHAM, NY
4:16 am	Departed FedEx location	MEMPHIS, TN
1:46 am	Arrived at FedEx location	MEMPHIS, TN
<b>- 12/28/2012 - Friday</b>		
11:28 pm	Departed FedEx location	NEWARK, NJ
10:17 pm	Arrived at FedEx location	NEWARK, NJ
9:40 pm	Left FedEx origin facility	NEW YORK, NY
8:08 pm	Picked up	NEW YORK, NY
10:02 am	Shipment information sent to FedEx	

Local Scan Time 

**Shipment Facts**

Tracking number	794406601943	Service	FedEx Priority Overnight
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<b>Door tag number</b>	DT1 02896752353	<b>Weight</b>	1 lbs
<b>Delivered To</b>	Receptionist/Front Desk	<b>Total pieces</b>	1
<b>Total shipment weight</b>	1 lbs / 0.5 kgs	<b>Shipper reference</b>	16419.00003
<b>Packaging</b>	FedEx Envelope	<b>Special handling section</b>	For Saturday Delivery