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

Proceeding	91210506
Party	Plaintiff Ovation LLC
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Docket No. 17BD-179066

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

In re Matter of Application No. 85/569,798 for the mark: POP OF CULTURE In re Matter of Application Nos. 85/937,423 and 85/937,399 for the mark: E POP OF CULTURE Ovation LLC, Opposer, vs. E! Entertainment Television, LLC, Applicant.	Opposition No. 91-210506 (parent) Opposition No. 91-217286 Opposition No. 91-217287 **OPPOSER OVATION LLC'S MOTION TO COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND MOTION TO TEST THE SUFFICIENCY OF RESPONSES TO REQUESTS FOR ADMISSION** **DECLARATION OF PAUL A. BOST IN SUPPORT THEREOF**

Pursuant to 37 C.F.R. § 2.120(e) and TBMP §§ 523 and 524, Opposer Ovation LLC ("Opposer") hereby moves the Board for an order compelling Applicant E! Entertainment Television, LLC ("Applicant") to supplement its responses to certain of Opposer's interrogatories and requests for production of documents ("RFPs") and to produce all documents responsive to Opposer's discovery requests.

Opposer also moves the Board to test the sufficiency of Applicant's responses to certain of Opposer's requests for admission ("RFAs") and to order Applicant's supplementation of its responses thereto.

This motion is made on the grounds that: (1) Applicant's belated responses and supplemental responses to the foregoing discovery requests, and document production, are deficient for many reasons; (2) Applicant's objections to the discovery requests are unsupportable or, at least, do not justify Applicant's deficient responses; (3) despite Opposer's

efforts to resolve this dispute short of motion practice pursuant to TBMP §§ 523.02 and 524.02, Applicant has refused to sufficiently supplement or amend its responses (Declaration of Paul A. Bost ("Bost Decl.") ¶¶ 5, 6, 8, 9, 11, 12 Exs. D, E, I, J, N); and (4) all of the discovery requests seek relevant and discoverable information.

This motion is supported by the accompanying brief and declaration of Paul A. Bost, and such other papers and argument as may be presented to the Board.

Respectfully submitted,

SHEPPARD MULLIN RICHTER & HAMPTON, LLP

Dated: April 3, 2015

By: /s/Paul A. Bost
Jill M. Pietrini
Whitney Walters
Paul A. Bost

Attorneys for Applicant
Ovation LLC

I. RELEVANT FACTUAL BACKGROUND

A. The Pleadings

On or around April 24, 2013, Opposer filed a notice of opposition to registration of Applicant's application to register POP OF CULTURE in Classes 38 and 41 on the grounds that the registration of this mark would result in a likelihood of confusion with Opposer and its services based on its prior use of the CULTUREPOP mark. (Docket No. 1) On or around June 12, 2013, Applicant filed its answer, denying all of Opposer's controversial allegations and raising one affirmative defense. (Docket No. 5.) On or around July 9, 2014, Opposer filed notices of opposition to registration of Applicant's applications to register E POP OF CULTURE in the same classes on the same grounds, which proceedings were shortly thereafter consolidated with Opposer's initial notice of opposition – on Opposer's unopposed motion – given the proceedings' identity of issues and parties. (Docket No. 21.)

B. Opposer's Discovery Requests

On January 24, 2014 Opposer served its first set of interrogatories and RFPs on Applicant. (Bost Decl. ¶ 2, Exs. A, B.) On February 12, 2014, Opposer served its first set of RFAs on Applicant. (Bost Decl. ¶ 3, Ex. C.) Through a series of correspondences and agreements, the parties agreed that Applicant's discovery responses were due on April 9, 2014. (Bost Decl. ¶ 4.) However, on April 9, 2014, Applicant did not serve Opposer with responses to Opposer's discovery requests but, instead, filed a motion to compel and a motion to extend its deadline to respond to Opposer's discovery by 30 days. (Docket No. 13.)[1]

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[1] On July 31, 2014, the Board granted Applicant's motion over Opposer's opposition. (Docket No. 18.) This motion should not be construed as Opposer's waiver or rescission of the position it expressed in its opposition to Applicant's motion, that is, that Applicant waived its right to object to Opposer's discovery requests for its failure to serve timely responses. Furthermore, Applicant did not expressly seek any relief with respect to Opposer's RFAs or Applicant's responses thereto. Nowhere in its motion does Applicant refer to Opposer's RFAs, and, in fact, Opposer expressly only sought an extension of its deadline to respond to Opposer's "January 24, 2014 discovery requests," not Opposer's RFAs, which were served on February 12, 2014. (Docket No. 13, p. 22.) Thus, Opposer believes that, as a matter of law, each of Opposer's RFAs are deemed admitted for Applicant's failure to serve timely responses by April 9, 2014. *See* Fed.R.Civ.P. 36(a)(3). Opposer's instant motion to test the sufficiency of

On April 29, 2014, Opposer sent Applicant a meet and confer letter addressing Applicant's failure to serve timely responses to Opposer's interrogatories and RFPs and demanding Applicant's service of responses without objections, which Applicant waived for its failure to serve timely responses. (Bost Decl. ¶ 5, Ex. D.) On May 8, 2014, Applicant responded to Opposer's letter and disputed Opposer's contention that its responses were untimely and it had waived its right to assert objections. (Bost Decl. ¶ 6, Ex. E.) On May 9, 2014, Applicant served its initial responses to Opposer's interrogatories, RFPs, and RFAs. (Bost Decl. ¶ 7, Exs. F, G, H.) Applicant's responses were deficient in a variety of respects, so, on July 1, 2014, Opposer sent Applicant a second meet and confer letter, addressing in detail said deficiencies. (Bost Decl. ¶ 8, Ex. I.) Applicant responded to Opposer's letter on July 8, 2014, agreeing to serve supplemental responses by July 11, 2014 and meet and confer as necessary with Opposer thereafter. (Bost Decl. ¶ 9, Ex. J.) Accordingly, on July 11, 2014, Applicant served Opposer with supplemental responses to Opposer's first set of interrogatories, RFPs, and RFAs. (Bost Decl. ¶ 10, Exs. K, L, M.)

On July 22, 2014, the parties met and conferred by phone regarding the sufficiency of Applicant's supplemental responses. (Bost Decl. ¶ 11.) Applicant informed Opposer that it would serve any further supplemental responses by, at the latest, August 1, 2014. (*Id.*) Having not received any further supplemental responses from Applicant, Opposer, on September 17, 2014, emailed Applicant and requested Applicant's service of further supplemental responses by September 22, 2014. (Bost Decl. ¶ 12, Ex. N.) Applicant responded to Opposer's email that same day, noting that it was "continuing to . . . see if/when we can supplement" and agreeing to update Opposer as to the foregoing as soon as possible. (*Id.*) Nevertheless, Applicant never further apprised Opposer as to whether it intended to serve further supplemental responses.

On November 24, 2014 and January 22, 2015, the parties stipulated to two successive motions to suspend this case for 60 days in order to discuss settlement, both of which were

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Applicants responses to certain of Opposer's RFAs should not be construed as a waiver of Opposer's positon.

granted by the Board. (Docket Nos. 22-25.) Despite their efforts, the parties have not reached a settlement of their dispute. Applicant is now aggressively seeking additional discovery from Opposer, even though Applicant has failed to supplement its discovery responses or produce any additional documents. (Bost Decl. ¶ 13.)

II. OPPOSER'S MOTION TO COMPEL SHOULD BE GRANTED

37 C.F.R. § 2.120(e)(1) authorizes parties to move to compel the service of discovery responses in the event a party serves deficient responses: "[i]f a party . . . fails to answer . . . any interrogatory, or fails to produce and permit the inspection and copying of any document or thing, the party . . . seeking discovery may file a motion to compel . . . an answer, or production and an opportunity to inspect and copy." Such motion "must be filed prior to the commencement of the first testimony period as originally set or as reset." *Id*. As set forth in further detail below, Opposer's motion to compel should be granted in full as Applicant's responses to Opposer's interrogatories and RFPs are deficient and its objections are unavailing. Also, Opposer's motion is timely, as Opposer's first testimony period is not currently scheduled to open until June 9, 2015. (Docket No. 24.)

A. Opposer's Interrogatories

Applicant objects to nearly all of Opposer's Interrogatories (and many of Opposer's other discovery requests) because they request information related to Applicant's E POP OF CULTURE mark and applications. Applicant's objection that such information is irrelevant because this mark is not at issue in this proceeding is mooted by Opposer's notices of opposition subsequently filed against Applicant's applications to register E POP OF CULTURE and which proceedings have been consolidated with the parent proceeding. Even absent consolidation, this objection is without merit. Applicant admits in its discovery responses that it always uses its POP OF CULTURE with its house mark, i.e., the E mark (Bost Decl. ¶ 10, Ex. K, Interrogatory No. 30), such that Applicant's use of the E POP OF CULTURE mark is clearly relevant to the likelihood of confusion. Accordingly, this objection is meritless, should be overruled by the Board, and does not excuse Applicant from responding fully to Opposer's discovery requests.

1. Interrogatory Nos. 2 and 3

These interrogatories asks Applicant to state the date that Applicant first POP OF CULTURE and E POP OF CULTURE marks for each good and service offered thereunder[2] and to state the date Applicant first sold each good or service offered under the POP OF CULTURE and E POP OF CULTURE marks. Despite its assertion of various objections,[3] Applicant broadly responded to Interrogatory No. 2 that its "first use and earliest first use in commerce in connection with **any services** was on or about July 9, 2012." (emphasis added.) Applicant refused to respond to Interrogatory No. 3. Applicant's responses are insufficient. Opposer is entitled to know when Applicant first used the POP OF CULTURE mark, if at all, for **each** good or service offered thereunder. Applicant's actual use of the mark in commerce – and the length thereof – is relevant to, among other things, whether there have been adequate opportunities for

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[2] The services identified in Applicant's application are as follows: "Television, cable television, satellite television, internet, wireless, mobile, radio, and interactive multimedia broadcasting services; broadcasting and transmission of programming, audio and visual content, and entertainment media content via television, cable television, satellite television, video-on-demand, digital media, multimedia, the internet, and wireless and mobile networks; podcasting and webcasting services; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users" in Class 38; and "Television programming services; entertainment in the nature of television programming, cable television programming, satellite television programming, internet programming, multimedia programming, and programming via wireless and mobile networks; entertainment services, namely, audio-visual programming via the internet and wireless and mobile networks; production of television, cable, video-on-demand, digital, satellite, wireless, mobile, internet, and multimedia programs and entertainment media content; production and programming of audio and video content; providing online journals, namely, blogs in the field of entertainment; provision of news and information via the internet and mobile and wireless networks in the field of entertainment" in Class 41.

[3] As a general matter, Applicant's boilerplate objections to Opposer's interrogatories are insufficiently general and fail for their lack of specificity. *See* Fed.R.Civ.P. 33(b)(4) ("The grounds for objecting to an interrogatory must be stated with specificity"); *Medtronic, Inc. v. Pacesetter Sys., Inc.*, 222 U.S.P.Q. 80, 83 (TTAB 1984), cited by the Board in its order on Applicant's motion to compel (Docket No. 18, p. 6) (party must articulate objections to interrogatories with particularity.) Also, Applicant's objection that certain of Opposer's interrogatories exceed the total number of permissible interrogatories is meritless; Opposer only propounded 33 interrogatories. Furthermore, Applicant has waived any such objection by failing to assert it according to the proper procedure, namely, "serv[ing] a general objection on the ground of [the interrogatories'] excessive number." TBMP § 405.03(e).

actual consumer confusion to occur in the marketplace. If there have not been such opportunities, the weight to be accorded any lack of evidence of actual consumer confusion is further decreased.

2. Interrogatory No. 9

This interrogatory requests that Applicant state all facts related to its awareness or knowledge of Opposer's use of the CULTUREPOP mark, the Culturepop.com website, or any services offered thereunder, at the time Applicant selected and/or adopted its POP OF CULTURE and E POP OF CULTURE marks or applied for registration of the same, including, but not limited to, describing in detail what Applicant knew about any of the foregoing and the identity of the person with such knowledge. In response, Applicant merely states that it "first learned of Opposer's use of the CULTUREPOP mark and the www.culturepop.com website in or about 2012." This response is evasive and non-responsive. Opposer's interrogatory does not ask Applicant to identify when it learned this information, but all facts related to its awareness of this information at the time it selected its marks at issue. Specifically, Applicant has failed to identify the person(s) who "learned" of Opposer's use of the CULTUREPOP mark, how such person learned of Opposer's use, and whether such information was known prior to Applicant's adoption of the POP OF CULTURE and E POP OF CULTURE marks and its applications to register the same. Applicant's response must, at least, state these facts.

3. Interrogatory No. 12

This interrogatory requests that Applicant state the annual and total amount spent by or on behalf of Applicant for advertising, promoting, or marketing its goods and services offered under the POP OF CULTURE and E POP OF CULTURE marks from the date of first use to the present. In its response, Applicant refers Opposer to a two-page document it produced reflecting merchandise it sold to promote the marks, i.e., water bottles, coffee mugs, t-shirts, etc . . . Applicant, however, has not identified the amounts it spent to advertise, promote, or market its services according to the methods set forth in its response to Interrogatory No. 11, i.e., amounts spent in conjunction Applicant's "day-of rebrand launch with new on-air graphic elements, E!

Online, marketing and promotional materials" and Applicant's "consistent[] use [of the marks] on an ongoing basis domestically and internationally on all trade and consumer facing materials (*i.e.* print and online campaigns, building signage, and corporate ID materials)." Likewise, Applicant has not stated amounts related to advertising efforts it identified in its response to Interrogatory No. 17, i.e., "an advertising campaign including . . . print ads, online units, cover wraps in AdWeek and AMNY, online campaigns (on Adweek.com, Cynopis, Deadline, TVLine, HuffingtonPost, LinkedIn, MediaPost, NYMagazine, Hollywoodreporter) [and] building signage (interior and exterior)." Opposer is entitled to this information, which is unquestionably discoverable. *See* TBMP § 414(18) ("Annual sales and advertising figures, stated in round numbers, for a party's involved goods or services sold under its involved mark are proper matters for discovery.") The Board should order Applicant to serve a full and complete answer to Interrogatory No. 12.

4. Interrogatory No. 19

This interrogatory requests that Applicant identify and describe in detail all cross-marketing agreements, website linking agreements, promotion agreements, or other marketing or advertising arrangements between Applicant and any third party relating to the goods and services offered under the POP OF CULTURE and E POP OF CULTURE marks. As noted above, in response to Interrogatory Nos. 11 and 17, Applicant identified specific advertising efforts it undertook to promote services offered under the aforementioned marks. However, in its response to this interrogatory, Applicant only identifies the agreement it entered with respect to the <u>sale of promotional merchandise</u> bearing the aforementioned marks, not, for example, the agreement(s) it entered for "print ads, online units, cover wraps in AdWeek and AMNY, online campaigns (on Adweek.com, Cynopis, Deadline, TVLine, HuffingtonPost, LinkedIn, MediaPost, NYMagazine, Hollywoodreporter) [and] building signage (interior and exterior)." Opposer is entitled to this information, which is reasonably calculated to lead to the discovery of admissible evidence related to the duration and extensiveness of Applicant's advertising and marketing efforts.

5. Interrogatory No. 20

This interrogatory requests that Applicant identify all keywords, Adwords, or search terms purchased or bid on for the goods and services it offers under the POP OF CULTURE and E POP OF CULTURE marks, and all electronic tags or markings or other search terms attached to, associated with, or flagged for, said goods and services. Applicant refused to respond to this interrogatory. There is no dispute that use of another's trademark as a keyword, Adword, search term, or the like can lead to a finding of a likelihood of confusion and willful infringement. *See Binder v. Disability Group Inc.*, 97 U.S.P.Q.2d 1629, 1634, 1637 (C.D. Cal. 2011) (defendant's use of plaintiff law firm's name as a Google Adword found to constitute willful infringement). Additionally, even if Applicant is not using Opposer's name or CULTUREPOP mark as a keyword, the other words that Applicant has selected as keywords, Adwords, search terms, and the like are reasonably calculated to lead to the discovery of admissible evidence. Among other things, these words indicate which words, phrases, marks, or slogans Applicant either believes consumers query to locate its goods or services online or wants to associate with its goods or services.

6. Interrogatory No. 24

This interrogatory requests that Applicant state all facts related to its contention that Opposer's CULTUREPOP mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks," including an identification of any such marks, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each such mark, and the amount to spent to market, promote, or advertise each such mark for the last five years. In its response, Applicant merely identified marks without information relating to the scope of each mark's use and registration, the amount of sales and/or revenue generated from each mark's use, and the amount spend to market the same. It is well established that a list of third party marks without evidence as to how the marks are actually used in commerce is irrelevant to the strength of a mark. *See Scarves by Vera, Inc. v. Todo Imports Ltd. (Inc.),* 544 F.2d 1167, 1173-74 (2d Cir.

1976) ("The significance of third-party trademarks depends wholly upon their usage. Defendant introduced no evidence that these trademarks were actually used by third parties, that they were well promoted or that they were recognized by consumers"); *Gap Inc. v. G.A.P. Adventures Inc.*, 100 U.S.P.Q. 1417, 1429 (S.D.N.Y. 2011) ("G.A.P Adventures has submitted evidence of the registration of third-party trademarks that use the word 'gap,' in an attempt to show that Gap's marks are weak. However . . . G.A.P Adventures has failed to introduce evidence that the third-party trademarks are actually used by third parties, or are well promoted, or are recognized by consumers. [citation omitted.] I find that Gap's strong marks have not been weakened by third-party uses"); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 325 (C.C.P.A. 1967) ("The existence of [third-party] registrations is not evidence of what happens in the market place or that customers are familiar with them"); *Olde Tyme Foods, Inc. v. Roundy's, Inc.*, 961 F.2d 200, 203-04 (Fed. Cir. 1992) (A third-party registration "may not be given any weight" as to the strength of a mark). Thus, to the extent Applicant is in possession, custody, or control of this information, Applicant must disclose it in response to this interrogatory. If Applicant does not have the requested information, it should say so.

7. Interrogatory No. 31

This interrogatory requests that Applicant state the total amount of sales, in units and dollars, of each product bearing, sold under, or offered under the POP OF CULTURE and E POP OF CULTURE marks, and the total revenue generated from the services offered under said marks. Applicant's refusal to respond to this interrogatory is unjustified. This information is unquestionably relevant to the parties' dispute. *See* TBMP § 414(18) ("Annual sales and advertising figures, stated in round numbers, for a party's involved goods or services sold under its involved mark are proper matters for discovery.") Although Opposer acknowledges that Applicant has produced documents reflecting sales of <u>goods</u> bearing the POP OF CULTURE and E POP OF CULTURE marks, it has not identified or produced any documents identifying its sales of, or revenue generated from, services offered under these marks.

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8. Interrogatory No. 32

This interrogatory requests that Applicant identify all persons who provided information for its responses to Opposer's interrogatories, RFPs, and RFAs. Applicant refused to respond to this interrogatory on the grounds that it "uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner." Applicant's general, boilerplate objection does not identify how, in fact, the interrogatory is vague or which words therein are vague, ambiguous, or not defined understandably, and, thus, is unavailing. *See* Fed.R.Civ.P. 33(b)(4) ("The grounds for objecting to an interrogatory must be stated with specificity.") In any event, there is nothing remotely vague about the interrogatory, which clearly seeks Applicant's identification of persons that provided Applicant with the information it provided in its responses to Opposer's discovery requests.

B. <u>Opposer's RFPs</u>

As a general matter, Applicant conditions its production of documents responsive to Opposer's RFPs "to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search." This type of indefinite response is not allowed under the rules. *See* TBMP § 406.04(c) ("For any item or category of documents which is not subject to a stated objection, a proper response should state whether or not there are responsive documents and, if there are responsive documents, whether they will be produced or withheld on a claim of privilege"); TBMP § 408.02 ("With regard to document production requests, a proper written response to each request requires the responding party to state that there are responsive documents and that either they will be produced or will be withheld on a claim of privilege; to state an objection with appropriate reasons; or to state that no responsive documents exist.") The Board should order Applicant to supplement its responses to unequivocally state whether Applicant is or is not in possession, custody, or control of responsive documents.

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1. RFP Nos. 7, 14-16, 21, 22, 24, 29, 32, 33, 36, 45-49, and 54

In its initial responses to each of these RFPs, Applicant responded – subject to its boilerplate objections – that it would produce responsive documents. In its supplemental responses, however, Applicant withdrew its agreement to produce responsive documents. This is inappropriate. Having agreed to produce responsive documents subject to its objections, Applicant cannot now refuse to produce responsive documents. Applicant's withdrawal of its agreement to produce responsive documents is tantamount to Applicant asserting objections it waived by failing to raise them in its initial responses. *See Peskoff v. Faber*, 244 F.R.D. 54, 64 (D.D.C. 2007) ("Courts have found that failure to state any objections to the production of documents in a timely manner constitutes a waiver of any objections, similar to Rule 33.") The Board should order Applicant to produce documents responsive to these RFPs as it initially indicated it would.

2. RFP No. 10

This RFP requests that Applicant produce all documents relating to the channels of distribution and intended channels of distribution of each good and service offered under the POP OF CULTURE and E POP OF CULTURE marks. In its response, Applicant agreed to produce documents "sufficient to identify its distribution channels," but did not expressly indicate its agreement to produce documents relating to its *intended* channels of distribution. The Board should order Applicant's production of such documents, which are clearly relevant to the determination of likelihood of confusion.

3. RFP No. 40

This RFP requests, in part, that Applicant produce all licensing agreements, linking agreements, and website affiliation agreements relating to the POP OF CULTURE and E POP OF CULTURE marks, the goods and services offered thereunder, and the term POP or CULTURE. These documents are presumptively discoverable in Board proceedings. *See* TBMP § 414(10) ("Information concerning litigation and controversies including settlement and other contractual agreements between a responding party and third parties based on the responding

party's involved mark is discoverable") (emphasis added); *Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 10 U.S.P.Q.2d 1671, 1675 (TTAB 1988) (licensing agreements and arrangements between opposer and third parties and amount of sales thereto are relevant.) Furthermore, these documents are reasonably calculated to lead to the discovery of admissible evidence, such as evidence of the manner in which Applicant uses and intends to use its marks – and their constituent terms – in commerce and, specifically, on the internet. The Board should order Applicant's production of such documents, which are clearly relevant to the determination of likelihood of confusion.

3. RFP No. 42

This RFP requests that Applicant produce all emails, letters, notes or other communications to or from Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP MARK, the CulturePop.com website, or any marks including the terms POP or CULTURE. Applicant refuses to produce responsive documents to this RFP. Applicant's boilerplate objections lack merit. Opposer does not know of, and Applicant has not identified, any reason Applicant would receive or send correspondence relating to Opposer other than to discuss the parties' marks and any likelihood of confusion resulting therefrom. Additionally, correspondence relating to marks including the terms POP or CULTURE is relevant to, among other things, the strength of the parties' marks and Applicant's knowledge of Opposer's mark or third parties' marks at the time it adopted, used, and/or applied for registration of its mark. The last item is particularly relevant since Applicant intends to rely upon third party use of similar marks to defend this proceeding. Accordingly, the Board should order Applicant to product responsive documents to this RFP and supplement its written response to indicate the same.

4. RFP Nos. 58-76

These RFPs request that Applicant produce documents relating to, supporting, or negating certain of Applicant's allegations made in its Answer, allegations set forth in its May 18, 2012 letter to Opposer regarding the alleged weakness of the CULTUREPOP mark, and

other of its allegations fundamental to the parties' dispute, i.e., its alleged rights to use and register POP OF CULTURE and E POP OF CULTURE. Applicant's refusal to produce documents is without justification. Under no circumstances can Applicant colorably argue that these documents – which are specifically pegged to the parties' pleadings and allegations therein and the fundamental issues in dispute in this proceeding – are irrelevant. The Board should order Applicant to produce responsive documents to these RFPs and supplement its written responses to indicate the same.

5. RFP Nos. 78 and 82

These RFPs request that Applicant produce all royalty statements or other documents reflecting revenue earned or generated from the offering of services under the POP OF CULTURE and E POP OF CULTURE marks and all documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE and E POP OF CULTURE Marks. Applicant's refusal to produce documents is without justification. Again, it is well established that a party is entitled to discover revenue earned by another party under its mark at issue. *See* TBMP § 414(18). The Board should order Applicant to produce responsive documents to these RFPs and supplement its written responses to indicate the same.

6. RFP No. 81

This RFP requests that Applicant produce all documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices. Applicant cannot refuse to produce these relevant documents. As Applicant tacitly admits later in its response,[4] such information is relevant to the services offered by Applicant under its marks at issue, as well as the channels of trade in which such services are offered. The Board should order Applicant to produce responsive documents to these RFPs and supplement its written responses to indicate the same.

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[4] Applicant contends that RFP No. 81 is duplicative of RFP No. 10, to which Applicant agreed to produce relevant documents.

7. Applicant's Production of Documents

To date, Applicant has produced only 324 pages of documents. (Bost Decl. ¶ 10.) Of course, Applicant's production is deficient for its failure to include documents responsive to the many RFPs set forth above, most notably those RFPs to which Applicant rescinded its initial agreement to produce responsive documents. Moreover, Applicant's production thus far does not include documents responsive to the below RFPs to which Applicant has agreed to produce responsive documents:

- Documents relating to the date of Applicant's first use of the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 2);
- Representative samples of publications in which goods and services offered under the POP OF CULTURE and E POP OF CULTURE marks have been advertised and promoted (RFP Nos. 9 and 23);
- Documents relating to the channels of distribution and *intended* channels of distribution for goods and services offered under the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 10);
- Documents that relate to or identify the types of purchasers who buy, use, or view goods and services offered under the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 12);
- Documents reflecting the total revenue Applicant has earned from its sale of services offered under the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 18);
- Documents reflecting the amounts Applicant has spent to market, advertise, and/or promote the goods and services offered under the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 25);
- Documents relating to any registration of the POP OF CULTURE or E POP OF CULTURE marks as a domain name or address on the internet (RFP No. 28);
- Documents relating to any demands made upon Applicant to abandon, modify, or alter its use of the POP OF CULTURE or E POP OF CULTURE marks (other than correspondence between Applicant and Opposer) (RFP No. 31);
- Contracts between Applicant and distributors, manufacturers, or providers of goods offered under the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 37);
- Documents sufficient to identify all internet domain names owned by Applicant that include POP OF CULTURE or CULTURE (RFP No. 50);
- Historic and current web pages for any Applicant website that displays, uses, or features goods and services offered under the POP OF CULTURE and E POP OF

CULTURE marks, and documents reflecting the number of hits thereon and visitors thereto (RFP Nos. 51-52);

- Documents reflecting the meaning or connotation of the POP OF CULTURE and E POP OF CULTURE marks (RFP No. 57);
- Documents sufficient to show the following with respect to any third party uses on which Applicant intends to rely: the goods or services for which such marks are used; the scope of use and recognition of each such mark; the amount of sales and/or revenue generated from each such mark; and the amount spent to market, promote, or advertise each such mark for the last five years (RFP No. 77); and
- Nielsen ratings, market research, and any research regarding the viewership, recording, or popularity for services offered under the POP OF CULTURE and E POP OF CULTURE marks (RFP Nos. 79-80).

Applicant should be ordered to produce the documents that it already agreed to produce, but has not done so.

III. OPPOSER'S MOTION TO TEST THE SUFFICIENCY SHOULD BE GRANTED

Pursuant to Fed.R.Civ.P. 36(a)(6), a party that propounds RFAs "may move to determine the sufficiency of an answer or objection. Unless the court finds an objection justified, it must order that an answer be served. On finding that an answer does not comply with this rule, the court may order either that the matter is admitted or that an amended answer be served." Likewise, TBMP § 524.01 holds that "[i]f a propounding party is dissatisfied with a responding party's answer or objection to a request for admission, and wishes to obtain a ruling on the sufficiency thereof, the propounding party may file a motion with the Board to determine the sufficiency of the response." With respect to the RFAs at issue, and for the reasons set forth below, Applicant's responses are insufficient and the Board should order the RFAs admitted or order Applicant to provide complete and non-evasive responses to them.

A. RFA Nos. 18, 39, 41, 42, 44-46, 50, and 55

These RFAs request Applicant's admissions as to various facts regarding Opposer's offering of services under its CULTUREPOP mark. In its initial responses, Applicant, pursuant to Fed.R.Civ.P. 36(a)(4), admitted in part and denied in part each of these RFAs. However, in its supplemental responses, Applicant withdrew said admissions, instead claiming that it had made reasonable inquiry and was not able to admit or deny these requests. Applicant's withdrawal of

its admissions short of a motion granted by the Board seeking such relief is improper. *See* Fed.R.Civ.P. 36(b) ("A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended.") Accordingly, the Court should strike Applicant's supplemental responses to these RFAs as they clearly do not comply with Fed.R.Civ.P. 36(b).

B. RFA Nos. 62, 64, 68, 70, 72, 74, 76, 78, 91, 93, 95, 97, 99, 102, 103, 105, 113, and 114

Applicant refuses to respond to these RFAs because they address the E POP OF CULTURE mark. As noted above, this objection is meritless. Accordingly, the Board should order Applicant to unequivocally admit or deny these RFAs.[5]

IV. CONCLUSION

For all of the above reasons, Opposer's motions should both be granted in their entireties.

Respectfully submitted,

SHEPPARD MULLIN RICHTER & HAMPTON, LLP

Dated: April 3, 2015

By: /s/Paul A. Bost
Jill M. Pietrini
Whitney Walters
Paul A. Bost

Attorneys for Applicant
Ovation LLC

[5] RFA Nos. 61, 63, 65, 67, 69, 71, 73, 75, 77, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100-101, 104, 108, and 111-112 include a typographical error. Opposer mistakenly wrote "E POP OF CULTURE" when, in fact, it intended to propound RFAs regarding "POP OF CULTURE." Opposer sought to remedy this error by providing Applicant with corrected RFAs during the meet and confer process. (Bost Decl. ¶ 8, Ex. I.) Applicant refused to respond to those RFAs. In any event, Opposer intends to serve Applicant with corrected RFAs prior to the discovery deadline.

DECLARATION OF PAUL A. BOST

I, Paul A. Bost, declare as follows:

1. I am an attorney duly licensed to practice before the Board. I am an associate in the law firm of Sheppard Mullin Richter Hampton, LLP ("SMRH"), counsel of record for Opposer in this matter. I have personal knowledge of the facts set forth in this declaration, and if called to testify, I could and would testify competently thereto.

2. On January 24, 2014, SMRH, on Opposer's behalf, served Opposer's first set of interrogatories and requests for production on Applicant's counsel, Lewis Roca Rothgerber LLP. True and correct copies of these discovery requests are attached hereto as **Exhibits A and B**, respectively.

3. On February 12, 2014, SMRH, on Opposer's behalf, served on Applicant's counsel Opposer's first set of RFAs. A true and correct copy of Opposer's first set of RFAs are attached hereto as **Exhibit C**.

4. Through a series of correspondences and agreements, the parties' counsels agreed that Applicant's responses to Opposer's interrogatories, RFPs, and RFAs were due on April 9, 2014.

5. On April 29, 2014, Whitney Walters of SMRH, on Opposer's behalf, sent Applicant's counsel, Michael McCue, a meet and confer letter addressing Applicant's failure to serve timely responses to Opposer's interrogatories and RFPs and demanding Applicant's service of responses without objections, which Applicant waived for its failure to serve timely responses. A true and correct copy of Ms. Walters' letter is attached hereto as **Exhibit D**.

6. On May 8, 2014, Jonathan Fountain of Applicant's counsel's office responded to Ms. Walters' letter and disputed Opposer's contention that Applicant's responses were untimely and it had waived its right to assert objections. A true and correct copy of Mr. Fountain's letter is attached hereto as **Exhibit E**.

7. Then, on May 9, 2014, Applicant's counsel served Applicant's initial responses to Opposer's interrogatories, RFPs, and RFAs. True and correct copies of these responses are attached hereto, respectively, as **Exhibits F, G, and H**.

8. Because Applicant's initial responses were deficient in a variety of respects, I, on July 1, 2014, sent Mr. McCue a second meet and confer letter, addressing in detail said deficiencies. A true and correct copy of that letter is attached hereto as **Exhibit I**.

9. Mr. Fountain responded to my letter on July 8, 2014, in which Applicant agreed to serve supplemental responses by July 11, 2014 and Mr. Fountain agreed to meet and confer as necessary with me thereafter. A true and correct copy of that letter is attached hereto as **Exhibit J**.

10. On July 11, 2014, Applicant's counsel served SMRH with Applicant's supplemental responses to Opposer's first set of interrogatories, RFPs, and RFAs. True and correct copies of these responses are attached hereto, respectively, as **Exhibits K, L, and M**. Applicant's counsel also produced 324 pages of documents to SMRH on this date. These remain the only documents produced by Applicant to Opposer in this case.

11. On July 22, 2014, Mr. Fountain and I met and conferred by phone regarding the sufficiency of Applicant's supplemental responses. We discussed the responses in detail and I informed Mr. Fountain which of Applicant's initial and supplemental responses remained deficient and why. Mr. Fountain informed me that Applicant would serve any further supplemental responses by, at the latest, August 1, 2014.

12. Having not received any further supplemental responses from Applicant, I, on September 17, 2014, emailed Mr. Fountain and requested Applicant's service of further supplemental responses by September 22, 2014. Mr. Fountain responded to my email that same day, noting that Applicant was "continuing to . . . see if/when we can supplement" and agreeing to update me as to the foregoing as soon as possible. A true and correct copy of that email correspondence is attached hereto as **Exhibit N**. Nevertheless, Applicant's counsel never further apprised me or anyone else at SMRH as to whether Applicant intended to serve further

supplemental responses. To date, Applicant has not served further supplemental responses or any additional documents.

13. The parties have been discussing settlement for several months. It appears that Applicant believes the parties have come to a stalemate on settlement because it is vigorously seeking additional discovery from Opposer. Accordingly, Opposer must pursue all requested discovery from Applicant through this motion as Applicant does not intend to voluntarily comply with its discovery obligations.

I declare all of the foregoing under the penalty of perjury under the laws of the United States of America.

Executed this 3rd day of April 2015 in Los Angeles, California.

/s/ Paul A. Bost
Paul A. Bost

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this **OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO COMPEL AND TO EXTEND DISCOVERY DEADLINES; AND DECLARATION OF PAUL A. BOST IN SUPPORT THEREOF** is being submitted electronically to the Commissioner for Trademarks, Trademark Trial and Appeals, through ESTTA, on this 3rd day of April, 2015.

/s/Lynne Thompson
Lynne Thompson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO COMPEL AND TO EXTEND DISCOVERY DEADLINES; AND DECLARATION OF PAUL A. BOST IN SUPPORT THEREOF** is being deposited as first class mail, postage prepaid, in an envelope addressed to:

Michael J. McCue
LEWIS ROCA ROTHGERBER LLP
3993 Howard Hughes Pkwy, Ste 600
Las Vegas, NV 89169

on this 3rd day of April, 2015.

/s/Lynne Thompson
Lynne Thompson

SMRH:436867338.1

EXHIBIT A

Docket No. 17BD-179066

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

In re Matter of Application No. 85/569,798 for the mark: POP OF CULTURE Ovation LLC, Opposer, vs. E! Entertainment Television, LLC, Applicant.	Opposition No. 91-210506 **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC**

Pursuant to Fed.R.Civ.P. 33 and 37 C.F.R. § 2.120(d)(1), Opposer Ovation LLC ("Opposer") hereby requests that Applicant E! Entertainment Television, LLC ("Applicant") answer, separately and fully in writing, under oath and within 30 days from service hereof, the Interrogatories set forth below. Pursuant to Fed.R.Civ.P. 26(e), the responses to these Interrogatories are to be supplemented promptly upon acquisition of further additional information.

I. INSTRUCTIONS

If any one or more of these Interrogatories is or are objected to on the grounds of privilege, overbreadth, vagueness or similar ground, Applicant is instructed for each such Interrogatory to answer the Interrogatory within the 30-day period as narrowed to conform with the objection. Where Applicant lacks knowledge of exact information responsive to an Interrogatory, Applicant is instructed to say so and to answer the Interrogatory to the best of its present knowledge, to supply the best available estimate

of the requested information, and to explain the basis of the estimate.

Unless otherwise stated, the relevant time period for the requests below is January 1, 2010 to the present.

These Interrogatories are continuing and Applicant is hereby requested to supplement its responses immediately whenever it acquires additional information pertinent thereto.

II. DEFINITIONS

The following definitions are applicable to terms employed in these Interrogatories, in the Instructions accompanying these Interrogatories, and in these Definitions.

A. "Opposer" shall mean and refer to Ovation LLC and includes any and all of its predecessors and successors in interest, employees, licensees, agents and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

B. "Applicant" shall mean and refer to E! Entertainment Television, LLC, and includes any and all of its predecessors and successors in interest, any and all of its subsidiaries, affiliates and affiliated entities, and its partners, employees, agents, officers, directors, licensees, and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

C. The "Applications" shall mean the trademark application for the mark POP OF CULTURE, Application No. 85/569,798, which is the subject of this Opposition proceeding, and the trademark applications for the mark E POP OF CULTURE, Application Nos. 85/937,423 and 85/937,399.

D. The "CULTUREPOP Mark" shall mean Opposer's federal application to register such mark, and the mark CULTUREPOP, as used by Opposer.

E. The "POP OF CULTURE Marks" refers to the mark that are the subject of the Applications.

F. The term “POP OF CULTURE Goods and Services” refers to the services offered or the goods bearing, sold under, or intended to be sold or offered under the POP OF CULTURE Marks.

G. The term “person” refers to natural persons, organizations, associations, partnerships, joint ventures, corporations and other legal entities (including Applicant), and the actions taken by a person include the actions of directors, officers, owners, members, partners, joint venturers, employees or agents acting on the person’s behalf.

H. The singular includes the plural and vice versa; the words “and” and “or” shall be construed in both the conjunctive and disjunctive; the word “all” means “any and all;” the word “any” means “any and all.”

I. The terms “relates” and “refers” mean directly or indirectly mentioning, discussing, describing, pertaining to or connected with, a stated subject matter.

J. The term “document” is used in its customary broad sense and encompasses, without limitation, all handwritten, typed, printed or otherwise visually or aurally reproduced materials, whether copies, drafts or originals, emails, electronically stored, created or transmitted documents, and regardless of whether they are privileged against discovery on any ground, or within the possession, custody or control of Applicant, or its directors, officers, employees, agents, attorneys, consultants or representatives, including but not limited to: letters, correspondence, cables, wires, telegrams, notes, memoranda, diaries, notes or records of telephone conversations, notes or records of personal conversations or interviews, interoffice and intraoffice communications of all types, drawings, plans, sketches, charts, notebooks, data, operating and maintenance manuals, operating and product specifications, photographs, movies and recordings, books, catalogs, labels, packaging, containers, tags, advertisements, promotional materials, storyboards, press releases, reports, studies, questionnaires, assignments, agreements and other official papers and legal instruments, annual reports, management reports, project reports, reports to

shareholders and minutes and reports of meetings (including meetings of directors, officers, executive boards and committees), lists of persons attending meetings, bills, invoices, orders, books, records, files, published material of any kind, and microfilms of documents that may have been destroyed. Any original or copy of a document containing or having attached to it any alterations, notes, comments or other material not included in the first document shall be deemed a separate document.

K. As used herein, the term "identify" means:

1. as to documents, give their dates, a detailed description of the document, the author thereof, the signee thereof, and specify the person having custody or control thereof;
2. as to natural persons, give their full name, business address (or, if not available, home address) and telephone number, employer, job title and, if employed by Applicant, their dates and regular places of employment and general duties;
3. as to corporations, give the full name and present or last known address of the principal place of business of the corporation, identify the officers and directors of the corporation, and the state of incorporation of the corporation;
4. as to partnerships, state whether the partnership is a general or limited partnership, identify the limited and general partners of the partnership, and state the principal place of business of the partnership; and
5. as to joint ventures or other associations, identify all joint venturers or members of the association and state the principal place of business of the joint venture or association.

III. INTERROGATORIES

INTERROGATORY NO. 1:

Identify and describe in detail, separately by use and intent to use, all products and services of Applicant bearing, sold, provided or offered under or intended to be sold, provided, or offered under, the POP OF CULTURE Marks.

INTERROGATORY NO. 2:

For each of the POP OF CULTURE Goods and Services, state the date that POP OF CULTURE was first used anywhere and first used in interstate commerce on or in connection with each such product or service.

INTERROGATORY NO. 3:

State the date of first sale anywhere of each of the POP OF CULTURE Goods and Services.

INTERROGATORY NO. 4:

For each of the POP OF CULTURE Goods and Services, describe in detail the channels of trade and distribution in which such products or services are sold, provided, or offered, or intended to be sold, provided, or offered, including without limitation, the type of retailer or outlet in which each such product or service is sold, provided, offered, or is intended to be sold, provided or offered.

INTERROGATORY NO. 5:

For each of the POP OF CULTURE Goods and Services, describe in detail the demographic market to which those products and services are sold, offered or directed, or intended to be sold, offered or directed. Such description shall include the age, location, and mean household income of those purchasers who Applicant expects and/or intends to buy and use such products and/or of those viewers, consumers, or purchasers of such services.

INTERROGATORY NO. 6:

For each of the POP OF CULTURE Goods and Services, describe in detail how that mark appears, or is intended to appear, on or in connection with each such product or service, including without limitation, the location and size of said mark, and how it is used in connection with the sale, offering, distribution, production, marketing, or advertising of each such product or service.

INTERROGATORY NO. 7:

State the date(s) that Applicant selected and/or adopted the POP OF CULTURE Marks for use with the services listed in the Applications.

INTERROGATORY NO. 8:

Identify all persons who were involved in, participated in, decided upon, or offered suggestions for, the selection and/or adoption of the POP OF CULTURE Marks by Applicant.

INTERROGATORY NO. 9:

State all facts related to Applicant's awareness or knowledge of Opposer's use of the CULTUREPOP Mark, the CulturePop.com website, or the services offered by Opposer under the CULTUREPOP Mark, at the time that Applicant selected and/or adopted, or filed the Applications to register, the POP OF CULTURE Marks, including, but not limited to, describing in detail what Applicant knew about any of the foregoing and the identity of the person with such knowledge.

INTERROGATORY NO. 10:

State all facts related to whether Applicant has ever conducted a trademark search of any kind (on-line, full search, or manual search of records of the U.S. Patent and Trademark Office or any other registrar of trademarks) relating to the POP OF CULTURE Marks or any other trademark containing the terms POP or CULTURE, including, but not limited to, identifying each such search report by providing the date on

which the search was conducted, and stating whether the CULTUREPOP Mark or Opposer were uncovered or disclosed in any such search.

INTERROGATORY NO. 11:

Describe in detail the method of marketing, promotion, and advertising of each of the POP OF CULTURE Goods and Services.

INTERROGATORY NO. 12:

State separately the annual and total amount spent by or on behalf of Applicant for advertising, promoting, or marketing the POP OF CULTURE Goods and Services from the date of first use to present. If Applicant does not maintain records of the amounts spent on the advertisement and promotion of the POP OF CULTURE Goods and Services, state the annual and monthly amount spent by or on behalf of Applicant for the advertisement and promotion of all of Applicant's products or services regardless of the mark or name applied to such products or services from the date of first use of the POP OF CULTURE Marks to the present.

INTERROGATORY NO. 13:

Identify and describe in detail any marketing, promotion, or advertising plans or programs of Applicant's directed toward or targeted to any particular trade, industry or consumer group for the POP OF CULTURE Goods and Services, including, but not limited to, identifying each such trade, industry, or consumer group.

INTERROGATORY NO. 14:

If Applicant has ever received any unfavorable comments, evaluations or information, or any criticism or complaints about the quality of the POP OF CULTURE Goods and Services, identify and describe in detail all communications which refer, relate, or pertain to all such comments, evaluations, information, criticism, and complaints, the date of each such communication, and the persons who made and received such communication.

INTERROGATORY NO. 15:

Identify and describe in detail all instances in which Applicant received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Opposer and Applicant or between the CULTUREPOP Mark or Applicant and the goods or services offered by Opposer or the POP OF CULTURE Goods and Services, and for each instance, identify all individuals who have knowledge of the facts thereof, the context of each instance, and the date of each instance.

INTERROGATORY NO. 16:

Identify all surveys, public opinion polls, or any other forms of consumer or market research known to Applicant which refer, relate to, or pertain in any way to the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or Opposer.

INTERROGATORY NO. 17:

Identify and describe in detail all media used by Applicant to run or publish anywhere any advertisements bearing or featuring the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services anywhere, including, but not limited to, the number of times each print advertisement was run or published, the time of day or night each radio or television advertisement was run, the length of each radio or television advertisement, and the location and size of each print advertisement in each publication or medium identified.

INTERROGATORY NO. 18:

Identify and describe in detail all contracts, participation agreements, syndication agreements, licensing agreements, production agreements, manufacturing agreements, distribution agreements, finance agreements, or arrangements between Applicant and any third-party relating to any POP OF CULTURE Goods and Services or the POP OF CULTURE Marks.

INTERROGATORY NO. 19:

Identify and describe in detail all cross-marketing agreements, website linking agreements, promotion agreements, sponsorship agreements, or other marketing or advertising arrangements between Applicant and any third party relating to any of the POP OF CULTURE Goods and Services, including but not limited to, stating the date of each such agreement or arrangement, the term of each such agreement or arrangement, a description of the rights licensed or granted, and the types of goods or services relating to each such agreement.

INTERROGATORY NO. 20:

Identify all keywords, Adwords, or search terms purchased or bid on for the POP OF CULTURE Goods and Services and all electronic tags or markings or other search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services.

INTERROGATORY NO. 21:

State all facts that relate to, support, or negate Applicant's allegations in Paragraph 7 of Applicant's Answer denying that "[t]he registration of Applicant's POP OF CULTURE [M]ark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods and services offered under the POP OF CULTURE Mark, and/or to draw a false association, sponsorship, connection, affiliation, or endorsement with Opposer, the CulturePop.com website, and or the CULTUREPOP Intellectual Property."

INTERROGATORY NO. 22:

State the actual meaning or connotation of each of the POP OF CULTURE Marks and the meaning or connotation intended by Applicant of each of the POP OF CULTURE Marks.

INTERROGATORY NO. 23:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture."

INTERROGATORY NO. 24:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE-formative marks," including but not limited to, an identification of all third party marks on which Applicant intends to rely, the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years.

INTERROGATORY NO. 25:

State all facts that relate to, support, or negate Applicant's Affirmative Defense as stated in Applicant's Answer.

INTERROGATORY NO. 26:

Identify all entities who are affiliates of Applicant, including all entities who own or control at least 25 percent of Applicant's business, or who are at least 25 percent owned by or controlled by Applicant or with whom Applicant shares any common officers or directors.

INTERROGATORY NO. 27:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the CULTUREPOP mark is entitled to, at best, a narrow scope of protection;" and that the CULTUREPOP mark is "conceptually and commercially weak."

INTERROGATORY NO. 28:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion."

INTERROGATORY NO. 29:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion."

INTERROGATORY NO. 30:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the source of services offered under our POP OF CULTURE mark—E! Entertainment Television—will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion."

INTERROGATORY NO. 31:

Separately state the total amount of sales, in units and dollars, of each product bearing, sold under, or offered under the POP OF CULTURE Marks, and the total revenue generated from the services offered under the POP OF CULTURE Marks.

INTERROGATORY NO. 32:

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Applicant's responses to Opposer's First Set of Requests for Admission, and Applicant's Responses to Opposer's First Set of Request for Production of Documents served concurrently herewith.

INTERROGATORY NO. 33:

State the total number of units manufactured of each product bearing, sold under, or offered under the POP OF CULTURE Marks to date.

SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP

Dated: January 24, 2014

By: _____
Jill M. Pietrini
Whitney Walters
Attorneys for Opposer
Ovation LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC** is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Michael J. McCue
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169

on this 24th day of January, 2014.

_____
LaTrina A. Martin

SMRH:415540608.1

EXHIBIT B

Docket No. 17BD-179066

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

In re Matter of Application No. 85/569,798 for the mark: POP OF CULTURE Ovation LLC, Opposer, vs. E! Entertainment Television, LLC, Applicant.	Opposition No. 91-210506 **OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC**

Pursuant to Fed.R.Civ.P. 34 and 37 C.F.R. § 2.120(a)(1), Opposer Ovation LLC ("Opposer") hereby requests that Applicant E! Entertainment Television, LLC ("Applicant") produce and permit the inspection and copying of the documents described herein, regardless of whether only a part of any document meets the description.

Opposer requests that such documents be made available within thirty days after service hereof by sending the requested documents through the U.S. mail service to accompany Applicant's written response to Opposer's First Request for Production to Applicant ("Request").

This Request is intended to cover all documents and things in the possession of Applicant, or subject to its custody and control, or available to Applicant wherever such documents and things are located, including, but not limited to, any of Applicant's offices or any other office maintained or used by Applicant, its agents, employees, joint venturers, partners, independent contractors, accountants or attorneys, or any other

location where documents are kept.

If any document covered by this Request is withheld for any reason, on a claim of privilege, attorney-work product or otherwise, Applicant shall provide a listing of such withheld documents stating the form of the document withheld, the date of its preparation, the author, each addressee or recipient, the subject matter, the reason for which Applicant is withholding such document, the basis for any claim of privilege for which a document is withheld, and the name and address of any person or persons presently having custody or control of the same or a true copy thereof.

If documents herein requested cannot be produced because they have been destroyed, cannot be located, or are otherwise thought no longer to exist, please provide a statement, indicating to the best of Applicant's ability, the form of the document, the date of its preparation, the author(s), each addressee or recipient, and the subject matter. Further, this Request is a continuing Request. Consequently, if any of the documents which were not produced or could not be produced for the reasons given above, or are discovered, or located, or, for any other reason become known to Applicant after responses to these requests are served, then Applicant must immediately notify Opposer's attorneys, named below, and make such documents available for inspection and copying.

Unless otherwise stated, the relevant time period for the requests below is January 2010 to the present.

I. DEFINITIONS

The following definitions are applicable to terms employed in this Request, in the Instructions accompanying this Request, and in these Definitions.

A. "Opposer" shall mean and refer to Ovation LLC and includes any and all of its predecessors and successors in interest, employees, licensees, agents and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

B. “Applicant” shall mean and refer to E! Entertainment Television, LLC, and includes any and all of its predecessors and successors in interest, any and all of its subsidiaries, affiliates and affiliated entities, and its partners, employees, agents, officers, directors, licensees, and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.

C. The “Applications” shall mean the trademark application for the mark POP OF CULTURE, Application No. 85/569,798, which is the subject of this Opposition proceeding, and the trademark applications for the mark E POP OF CULTURE, Application Nos. 85/937,423 and 85/937,399

D. The “CULTUREPOP Mark” shall mean Opposer’s federal application(s) to register such mark, and the mark CULTUREPOP, as used by Opposer.

E. The “POP OF CULTURE Marks” refers to the marks that are the subject of the Applications.

F. The term “POP OF CULTURE Goods and Services” refers to the services offered or the goods bearing, sold or offered under, or intended to be sold or offered under the POP OF CULTURE Marks.

G. The term “person” refers to natural persons, organizations, associations, partnerships, joint ventures, corporations and other legal entities (including Applicant), and the actions taken by a person include the actions of directors, officers, owners, members, partners, joint venturers, employees or agents acting on the person’s behalf.

H. The singular includes the plural and *vice versa*; the words “and” and “or” shall be construed in both the conjunctive and disjunctive; the word “all” means “any and all;” the word “any” means “any and all.”

I. The terms “relates” and “refers” mean directly or indirectly mentioning, discussing, describing, pertaining to or connected with, a stated subject matter.

J. The term “document” is used in its customary broad sense and encompasses, without limitation, all handwritten, typed, printed or otherwise visually or

aurally reproduced materials, whether copies, drafts or originals, emails, electronically stored, created or transmitted documents, and regardless of whether they are privileged against discovery on any ground, or within the possession, custody or control of Applicant, or its directors, officers, employees, agents, attorneys, consultants or representatives, including but not limited to: letters, correspondence, cables, wires, telegrams, notes, memoranda, diaries, notes or records of telephone conversations, notes or records of personal conversations or interviews, interoffice and intraoffice communications of all types, drawings, plans, sketches, charts, notebooks, data, operating and maintenance manuals, operating and product specifications, photographs, movies and recordings, books, catalogs, labels, packaging, containers, tags, advertisements, promotional materials, storyboards, press releases, reports, studies, questionnaires, assignments, agreements and other official papers and legal instruments, annual reports, management reports, project reports, reports to shareholders and minutes and reports of meetings (including meetings of directors, officers, executive boards and committees), lists of persons attending meetings, bills, invoices, orders, books, records, files, published material of any kind, and microfilms of documents that may have been destroyed. Any original or copy of a document containing or having attached to it any alterations, notes, comments or other material not included in the first document shall be deemed a separate document.

K. As used herein, the term “identify” means:

1. as to documents, give their dates, a detailed description of the document, the author thereof, the signee thereof, and specify the person having custody or control thereof;
2. as to natural persons, give their full name, business address (or, if not available, home address) and telephone number, employer, job title and, if employed by Applicant, their dates and regular places of employment and general duties;

3. as to corporations, give the full name and present or last known address of the principal place of business of the corporation, identify the officers and directors of the corporation, and the state of incorporation of the corporation;
4. as to partnerships, state whether the partnership is a general or limited partnership, identify the limited and general partners of the partnership, and state the principal place of business of the partnership; and
5. as to joint ventures or other associations, identify all joint venturers or members of the association and state the principal place of business of the joint venture or association.

II. DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:

Representative samples of documents identifying each type of good and each type of service offered under or intended to be offered under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 2:

All documents relating to the date(s) of first use anywhere and in interstate commerce by Applicant of the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 3:

All documents relating to the date of first sale of each product bearing or sold under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 4:

Specimens of all of website pages, press releases, one sheets, labels, invoices, packing slips, tags, markings, nameplates, and the like, and/or advertising material that constitute the first use claimed for or intended first use of the POP OF CULTURE Marks for any goods or services.

REQUEST FOR PRODUCTION NO. 5:

Two samples of each product bearing, sold under or intended to be sold under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 6:

Representative samples of each type of label, hang tag, container, carton, tag, invoice, sticker, box, bag, packaging, and/or other means by which Applicant has applied or used or intends to apply or use the POP OF CULTURE Marks on or in connection with any goods.

REQUEST FOR PRODUCTION NO. 7:

Representative samples of all website pages, press releases, one sheets, catalogs, brochures, fliers, sales meeting materials, broadcast publications (video and audio) and descriptive materials in general, from the date of first use to the present, relating to each of the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to the selection and adoption of the POP OF CULTURE Marks by Applicant and of the availability or clearance of such mark for use and/or registration by Applicant.

REQUEST FOR PRODUCTION NO. 9:

Representative samples of publications in which the POP OF CULTURE Goods and Services have been advertised, promoted, marketed, reviewed or featured anywhere, including without limitation magazines, newspapers, trade publications, and catalogs.

REQUEST FOR PRODUCTION NO. 10:

All documents relating to the channels of distribution and intended channels of distribution of each of the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 11:

All documents identifying the type of retailer, store, or retail outlet, whether brick and mortar or online, which sells, offers for sale, intends to sell, promotes, or advertises any of the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 12:

All documents that relate to, or identify, the market (*i.e.*, type of purchaser), who Applicant expects and intends to actually buy, or use, and/or view the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 13:

All documents identifying any particular trade, industry, or consumer group toward which any marketing or advertising is directed or targeted for the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 14:

All documents relating to surveys, public opinion polls, or any other forms of consumer or market research that relate in any way to the POP OF CULTURE Marks, the POP OF CULTURE Goods and Services, the CULTUREPOP Mark, the CulturePop.com website, marks including the term CULTURE and/or POP, or Opposer.

REQUEST FOR PRODUCTION NO. 15:

Representative samples of all invoices, purchase orders, participation statements, royalty statements, and distribution statements for the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 16:

All inventory reports, order forecasts, and sales forecasts referring or relating to goods or services bearing or sold under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 17:

Documents sufficient to reflect the total sales of the goods offered under or bearing the POP OF CULTURE Marks in units and dollars.

REQUEST FOR PRODUCTION NO. 18:

Documents sufficient to reflect the total revenue earned from the sale or offering of any services or content under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 19:

Documents sufficient to identify the retail price or intended retail price of each product or service bearing, sold, offered, or provided under, or intended to be sold, offered or provided under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 20:

Documents sufficient to identify the wholesale price or intended wholesale price of each product or service bearing, sold, offered, or provided under, or intended to be sold, offered, or provided under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 21:

Representative samples of all documents relating to marketing, promotion, or advertising of each of the POP OF CULTURE Goods and Services, including but not limited to, documents relating to marketing and advertising plans or strategies for each such product or service, or cumulatively for the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 22:

All documents that relate to the method of marketing each of the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 23:

Representative samples of all advertisements and marketing material for each of the POP OF CULTURE Goods and Services published, disseminated, distributed, or available or intended to be published, disseminated, distributed, or available.

REQUEST FOR PRODUCTION NO. 24:

All cross-marketing agreements, co-branding agreements, sponsorship agreements, promotion agreements, or other marketing or advertising arrangements relating to the POP OF CULTURE Marks between Applicant and any third-party.

REQUEST FOR PRODUCTION NO. 25:

All documents, for each year from the date(s) of first use to present, showing or from which it can be ascertained, the total amount Applicant has spent to market, advertise and/or promote the POP OF CULTURE Goods and Services. If Applicant does not maintain records of such amounts spent regarding the POP OF CULTURE Goods and Services specifically, produce all documents relating to the total amount spent by Applicant or on behalf of Applicant to market, advertise and/or promote all of Applicant's goods and services regardless of the mark or name applied to such goods and services.

REQUEST FOR PRODUCTION NO. 26:

All documents relating to any registration or application for registration of POP OF CULTURE by Applicant as a trademark, service mark, trade name, or fictitious business name in the U.S. Patent & Trademark Office, in any of the states of the United States, or in any governmental agency or department of the United States, or of any state, county, or city.

REQUEST FOR PRODUCTION NO. 27:

All documents relating to any registration or application for registration of POP OF CULTURE by Applicant as a trademark, service mark, trade name, or fictitious business name in any international or foreign governmental agency or department.

REQUEST FOR PRODUCTION NO. 28:

All documents relating to any registration or application for registration, in whole or in part, of POP OF CULTURE as a domain name or address on the internet or on any other computer network.

REQUEST FOR PRODUCTION NO. 29:

All documents reflecting or relating to any communications that Applicant has had, orally or in writing, with any person regarding Applicant's rights to use and/or registration, or the use, of the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE.

REQUEST FOR PRODUCTION NO. 30:

All documents evidencing, suggesting, or relating to any confusion between Applicant's POP OF CULTURE Goods and Services, on the one hand, and any products or services offered under the CULTUREPOP Mark, on the other hand, or any perceived sponsorship, license, or approval by Opposer of the POP OF CULTURE Goods and Services, or any perceived affiliation of any kind between Opposer and the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 31:

All documents relating to any demand made upon Applicant to abandon, modify, or alter its use of the POP OF CULTURE Marks (other than correspondence between Applicant and Opposer), including all documents relating to Applicant's response(s) to any such demand(s).

REQUEST FOR PRODUCTION NO. 32:

All documents relating to any alternate marks that were considered by Applicant for use as a trademark, service mark, or trade name instead of the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 33:

All assignments and license agreements relating to the POP OF CULTURE Marks or any marks including the terms POP or CULTURE, and all documents and correspondence relating thereto.

REQUEST FOR PRODUCTION NO. 34:

All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors.

REQUEST FOR PRODUCTION NO. 35:

All organization charts or other documents which reflect the organization and operational structure of all entities that are owned by, share common ownership with, or have an ownership or management interest in Applicant and its related entities.

REQUEST FOR PRODUCTION NO. 36:

All business plans of Applicant and its related entities for the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 37:

All contracts between Applicant, on the one hand, and its (a) distributors of, (b) manufacturers of, (c) providers/suppliers of, and/or (d) retailers for products offered under the POP OF CULTURE Marks, on the other hand.

REQUEST FOR PRODUCTION NO. 38:

All participation agreements and statements, synchronization agreements, producer agreements, merchandise agreements, distribution agreements and statements, network agreements, agreements concerning broadcasting or streaming content on the internet or to mobile devices, relating to the services offered under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 39:

All contracts between Applicant, on the one hand, and owners of content acquired or licensed for use, reprinting, or publication with or for the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 40:

All contracts, licensing agreements, web hosting agreements, linking agreements, website affiliation agreements, web design agreements, or other

arrangements relating to the POP OF CULTURE Marks, POP OF CULTURE Goods and Services, or any mark including the terms POP or CULTURE between Applicant and any third-party.

REQUEST FOR PRODUCTION NO. 41:

All documents evidencing, reflecting, or relating to any complaints by third parties regarding any of the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 42:

All emails, letters, notes, or other communications to or from Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE.

REQUEST FOR PRODUCTION NO. 43:

All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of the CULTUREPOP Mark, the CulturePop.com website, or any of the products or services offered under the CULTUREPOP Mark.

REQUEST FOR PRODUCTION NO. 44:

All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks consisting of or including the terms POP or CULTURE.

REQUEST FOR PRODUCTION NO. 45:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of the Applications.

REQUEST FOR PRODUCTION NO. 46:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's Answer.

REQUEST FOR PRODUCTION NO. 47:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's responses to Opposer's First Set of Interrogatories to Applicant.

REQUEST FOR PRODUCTION NO. 48:

All documents relating to the registration, purchase, acquisition, bid, or use of POP OF CULTURE or any other name, including the words "POP" or "CULTURE," alone or with any other words as metadata, search terms, electronic tags or markings, meta tags, keywords, search engine marketing terms, or other hidden terminology or technology in any website or in any search engine on the internet, or as an "AdWord" for Google, Yahoo, Bing, or any other search engine on the internet, by or on behalf of Applicant.

REQUEST FOR PRODUCTION NO. 49:

Documents sufficient to identify the electronic tags or markings, or search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 50:

Documents sufficient to identify all internet domain names owned by Applicant that include POP OF CULTURE, or CULTURE.

REQUEST FOR PRODUCTION NO. 51:

All historic and current web pages for any website operated or owned by Applicant that display, use, or feature the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 52:

All documents relating to traffic, including the number of visitors and number of "hits" to any website operated or owned by Applicant, that displayed or featured or

currently displays or features the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

REQUEST FOR PRODUCTION NO. 53:

All historic and current web pages for any website operated or owned by Applicant that discuss this dispute.

REQUEST FOR PRODUCTION NO. 54:

All artwork or other designs used or to be used with the POP OF CULTURE Marks for any goods or services.

REQUEST FOR PRODUCTION NO. 55:

All documents provided to any expert(s) retained by Applicant as testifying experts in this case.

REQUEST FOR PRODUCTION NO. 56:

All documents reflecting communications between Applicant and all testifying experts retained for this case.

REQUEST FOR PRODUCTION NO. 57:

All documents reflecting the meaning or connotation of the POP OF CULTURE mark.

REQUEST FOR PRODUCTION NO. 58:

All documents that relate to, support or negate Applicant's allegations in Paragraph 4 of Applicant's Answer denying the allegations in Paragraph 4 of the Notice of Opposition.

REQUEST FOR PRODUCTION NO. 59:

All documents that relate to, support or negate Applicant's allegations in Paragraph 5 of Applicant's Answer denying the allegations in Paragraph 5 of the Notice of Opposition.

REQUEST FOR PRODUCTION NO. 60:

All documents that relate to, support or negate Applicant's allegations in Paragraph 6 of Applicant's Answer denying the allegations in Paragraph 6 of the Notice of Opposition.

REQUEST FOR PRODUCTION NO. 61:

All documents that relate to, support or negate Applicant's allegations in Paragraph 7 of Applicant's Answer denying that "[t]he registration of Applicant's POP OF CULTURE [M]ark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods and services offered under the POP OF CULTURE Mark, and/or to draw a false association, sponsorship, connection, affiliation, or endorsement with Opposer, the CulturePop.com website, and or the CULTUREPOP Intellectual Property."

REQUEST FOR PRODUCTION NO. 62:

All documents that relate to, support or negate Applicant's allegations in Paragraph 8 of Applicant's Answer denying that "Opposer will be damaged by the registration of the mark shown in the Application, in that such registration gives Applicant a *prima facie* exclusive right to the use of the POP OF CULTURE mark, despite the likelihood of confusion, mistake, and/or deception, and allows Applicant to trade on Opposer's existing goodwill in the CULTUREPOP mark, the CulturePop.com website, and the CULTUREPOP Intellectual Property."

REQUEST FOR PRODUCTION NO. 63:

All documents that relate to, support or negate Applicant's denial in the Answer that "Opposer is entitled to any relief."

REQUEST FOR PRODUCTION NO. 64:

All documents that relate to, support or negate Applicant's Affirmative Defense(s) as stated in Applicant's Answer.

REQUEST FOR PRODUCTION NO. 65:

All documents that relate to, support or negate Applicant's alleged intellectual property rights in the POP OF CULTURE Marks, or any other marks including the terms POP or CULTURE.

REQUEST FOR PRODUCTION NO. 66:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture."

REQUEST FOR PRODUCTION NO. 67:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "any variation between marks that contain both POP and CULTURE will be sufficient to avoid confusion."

REQUEST FOR PRODUCTION NO. 68:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE-formative marks."

REQUEST FOR PRODUCTION NO. 69:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the CULTUREPOP mark is entitled to, at best, a narrow scope of protection."

REQUEST FOR PRODUCTION NO. 70:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion."

REQUEST FOR PRODUCTION NO. 71:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "consumers are not likely to be confused as to the source of services offered under the respective marks."

REQUEST FOR PRODUCTION NO. 72:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion."

REQUEST FOR PRODUCTION NO. 73:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the source of services offered under our POP OF CULTURE mark—E! Entertainment Television—will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion."

REQUEST FOR PRODUCTION NO. 74:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP mark is "conceptually and commercially weak."

REQUEST FOR PRODUCTION NO. 75:

All documents evidencing, reflecting, or relating to any alleged additional federal registrations and/or pending applications owned by Applicant for marks related to, derived from, or including the terms POP or CULTURE.

REQUEST FOR PRODUCTION NO. 76:

All documents that relate to, support or negate Applicant's belief that it may sell or offer products or services under the names or trademarks POP OF CULTURE or any other trademark or name related to, derived from, or including the terms POP or CULTURE.

REQUEST FOR PRODUCTION NO. 77:

All documents relating to any third party use on which Applicant intends to rely, including documents sufficient to show: the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years.

REQUEST FOR PRODUCTION NO. 78:

All royalty statements or other documents reflecting revenue earned or generated from the offering of services under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 79:

All Nielsen ratings and market research for the services offered under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 80:

All documents relating to any research of any kind concerning the viewership, recording, or popularity of the services offered under the POP OF CULTURE Marks.

REQUEST FOR PRODUCTION NO. 81:

All documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices.

REQUEST FOR PRODUCTION NO. 82:

All documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE Marks.

SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP

Dated: January 24, 2014

By: _____
Jill M. Pietrini
Whitney Walters
Attorneys for Opposer
Ovation LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC** is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Michael J. McCue
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169

on this 24th day of January 2014.

LaTrina A. Martin

SMRH:414874155.1

EXHIBIT C

Docket No. 17BD-179066

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

In re Matter of Application No. 85/569,798 for the mark: POP OF CULTURE Ovation LLC, Opposer, vs. E! Entertainment Television, LLC, Applicant.	Opposition No. 91-210506 **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC**

Pursuant to Fed.R.Civ.P. Rule 36 and 37 C.F.R. § 2.120(a)(1), Opposer Ovation LLC ("Opposer") hereby requests that Applicant E! Entertainment Television, LLC ("Applicant") admit, within thirty days from the date of service hereof, the truth of the facts set forth herein.

Unless otherwise stated, the relevant time period for the requests for admission ("RFAs") below is January 1, 2010 to the present.

I. DEFINITIONS

Opposer incorporates the definitions set forth in Opposer's First Set of Interrogatories and First Set of Requests for Production to Applicant, served on or about January 24, 2014. In addition, Opposer sets forth the following definitions applicable to terms employed in these RFAs:

A. The "POP OF CULTURE Mark" shall mean the mark that is the subject of U.S. Trademark Application No. 85/569,798.

B. The “POP OF CULTURE Application” shall mean the trademark application for the E POP OF CULTURE Mark, Application No. 85/569,798, which is the subject of the Opposition.

C. The “E POP OF CULTURE Applications” shall mean the trademark applications for the E POP OF CULTURE Mark, Application Nos. 85/937,423 and 85/937,399.

II. INSTRUCTIONS

A. Each answer shall specifically admit or deny the matter, or shall set forth, in detail, the reasons why Applicant cannot admit or deny the matter. To the extent that a response to any Request for Admission (“RFA”) is anything other than an unqualified admission, state all facts upon which the response is based.

B. A denial shall fairly meet the substance of the RFA, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, Applicant must specify so much of it as is true and qualify or deny the remainder.

C. These RFAs shall be deemed to seek responses as of the date of the response, but shall be deemed to be continuing, so that any additional information concerning these RFAs that Applicant acquires or which becomes known to Applicant up to and including the time of trial, shall be furnished to Opposer promptly after such information, documents and/or things are acquired by, or become known to, Applicant.

D. Unless otherwise specified, these RFAs seek responses relative to Applicant’s activities and intended activities within the United States, its territories, and

possessions and its use of the E POP OF CULTURE Mark and E POP OF CULTURE Mark in commerce.

III. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Opposer is a television network with programming devoted to art.

REQUEST FOR ADMISSION NO. 2:

Opposer is a television network with programming devoted to culture.

REQUEST FOR ADMISSION NO. 3:

Opposer began using the CULTUREPOP Mark for website services at least as early as August 2010.

REQUEST FOR ADMISSION NO. 4:

The date of first use of the CULTUREPOP Mark precedes the filing date of the E POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 5:

The date of first use of the CULTUREPOP Mark precedes the filing date of the E POP OF CULTURE Applications.

REQUEST FOR ADMISSION NO. 6:

Opposer developed common law rights in CULTUREPOP which predate the E POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 7:

Opposer developed common law rights in CULTUREPOP which predate the E POP OF CULTURE Applications.

REQUEST FOR ADMISSION NO. 8:

Since the date of first use, Opposer has been using the CULTUREPOP Mark continuously in commerce for a variety of goods and services.

REQUEST FOR ADMISSION NO. 9:

Opposer uses the CULTUREPOP Mark in connection with television programming.

REQUEST FOR ADMISSION NO. 10:

Opposer uses the CULTUREPOP Mark in connection with website services.

REQUEST FOR ADMISSION NO. 11:

Opposer uses the CULTUREPOP Mark for downloadable electronic publications.

REQUEST FOR ADMISSION NO. 12:

Opposer has used the CULTUREPOP Mark in connection with television programming.

REQUEST FOR ADMISSION NO. 13:

Opposer has used the CULTUREPOP Mark in connection with website services.

REQUEST FOR ADMISSION NO. 14:

Opposer has used the CULTUREPOP Mark for downloadable electronic publications in the nature of e-newsletters.

REQUEST FOR ADMISSION NO. 15:

Opposer has used the CULTUREPOP Mark for guides in the field of arts.

REQUEST FOR ADMISSION NO. 16:

Opposer has used the CULTUREPOP Mark for guides in the field of culture.

REQUEST FOR ADMISSION NO. 17:

Opposer has used the CULTUREPOP Mark for guides in the field of entertainment.

REQUEST FOR ADMISSION NO. 18:

Opposer has used the CULTUREPOP Mark in connection with a website featuring information about arts.

REQUEST FOR ADMISSION NO. 19:

Opposer has used the CULTUREPOP Mark in connection with a website featuring information about culture.

REQUEST FOR ADMISSION NO. 20:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (*e.g.*, e-newsletters and guides in the field of arts featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

REQUEST FOR ADMISSION NO. 21:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (*e.g.*, e-newsletters and guides in the field of culture featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

REQUEST FOR ADMISSION NO. 22:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (*e.g.*, e-newsletters and guides in the field of entertainment featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

REQUEST FOR ADMISSION NO. 23:

Opposer has used the CULTUREPOP Mark in connection with creating blogs.

REQUEST FOR ADMISSION NO. 24:

Opposer has used the CULTUREPOP Mark in connection with maintaining blogs.

REQUEST FOR ADMISSION NO. 25:

Opposer has used the CULTUREPOP Mark for entertainment in the nature of television programs offered on websites.

REQUEST FOR ADMISSION NO. 26:

Opposer has used the CULTUREPOP Mark for the production of television programs.

REQUEST FOR ADMISSION NO. 27:

Opposer has used the CULTUREPOP Mark for the distribution of television programs.

REQUEST FOR ADMISSION NO. 28:

Opposer has used the CULTUREPOP Mark for the production of entertainment events.

REQUEST FOR ADMISSION NO. 29:

Opposer has used the CULTUREPOP Mark for the distribution of entertainment events.

REQUEST FOR ADMISSION NO. 30:

Opposer has used the CULTUREPOP Mark for providing entertainment information regarding television programs.

REQUEST FOR ADMISSION NO. 31:

Opposer has used the CULTUREPOP Mark for providing artists and performers information regarding television programs.

REQUEST FOR ADMISSION NO. 32:

Opposer has used the CULTUREPOP Mark for providing arts events information.

REQUEST FOR ADMISSION NO. 33:

Opposer has used the CULTUREPOP Mark for providing newsworthy events information.

REQUEST FOR ADMISSION NO. 34:

Opposer has used the CULTUREPOP Mark for providing information regarding television personalities.

REQUEST FOR ADMISSION NO. 35:

Opposer has used the CULTUREPOP Mark in connection with television programming services.

REQUEST FOR ADMISSION NO. 36:

Opposer has used the CULTUREPOP Mark for entertainment in the nature of television programming.

REQUEST FOR ADMISSION NO. 37:

Opposer has used the CULTUREPOP Mark in connection with cable television programming.

REQUEST FOR ADMISSION NO. 38:

Opposer has used the CULTUREPOP Mark in connection with satellite television programming.

REQUEST FOR ADMISSION NO. 39:

Opposer has used the CULTUREPOP Mark in connection with internet programming.

REQUEST FOR ADMISSION NO. 40:

Opposer has used the CULTUREPOP Mark in connection with multimedia programming.

REQUEST FOR ADMISSION NO. 41:

Opposer has used the CULTUREPOP Mark in connection with programming via wireless networks.

REQUEST FOR ADMISSION NO. 42:

Opposer has used the CULTUREPOP Mark in connection with programming via mobile networks.

REQUEST FOR ADMISSION NO. 43:

Opposer has used the CULTUREPOP Mark in connection with providing online journals, namely, blogs in the field of entertainment.

REQUEST FOR ADMISSION NO. 44:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via the internet.

REQUEST FOR ADMISSION NO. 45:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via mobile networks.

REQUEST FOR ADMISSION NO. 46:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via wireless networks.

REQUEST FOR ADMISSION NO. 47:

Opposer promotes the CULTUREPOP Mark on-air.

REQUEST FOR ADMISSION NO. 48:

Opposer promotes the CULTUREPOP Mark on the Ovation television channel.

REQUEST FOR ADMISSION NO. 49:

Opposer promotes the CULTUREPOP Mark through websites.

REQUEST FOR ADMISSION NO. 50:

Opposer promotes the CULTUREPOP Mark through social media.

REQUEST FOR ADMISSION NO. 51:

Opposer promotes the CULTUREPOP Mark through word of mouth.

REQUEST FOR ADMISSION NO. 52:

Opposer has promoted the CULTUREPOP Mark on-air.

REQUEST FOR ADMISSION NO. 53:

Opposer has promoted the CULTUREPOP Mark on the Ovation television channel.

REQUEST FOR ADMISSION NO. 54:

Opposer has promoted the CULTUREPOP Mark through websites.

REQUEST FOR ADMISSION NO. 55:

Opposer has promoted the CULTUREPOP Mark through social media.

REQUEST FOR ADMISSION NO. 56:

Opposer has promoted the CULTUREPOP Mark through word of mouth.

REQUEST FOR ADMISSION NO. 57:

The Ovation television channel has received media attention.

REQUEST FOR ADMISSION NO. 58:

The Ovation television channel has received significant media attention.

REQUEST FOR ADMISSION NO. 59:

The CulturePop.com website has received media attention.

REQUEST FOR ADMISSION NO. 60:

The CulturePop.com website has received significant media attention.

REQUEST FOR ADMISSION NO. 61:

August 2010 predates Applicant's selection the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 62:

August 2010 predates Applicant's selection the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 63:

August 2010 predates Applicant's first use of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 64:

August 2010 predates Applicant's first use of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 65:

August 2010 predates the date that the E POP OF CULTURE Application was filed.

REQUEST FOR ADMISSION NO. 66:

August 2010 predates the date that the E POP OF CULTURE Applications were filed.

REQUEST FOR ADMISSION NO. 67:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 68:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 69:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 70:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 71:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the E POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 72:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the E POP OF CULTURE Applications.

REQUEST FOR ADMISSION NO. 73:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 74:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 75:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 76:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 77:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the E POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 78:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the E POP OF CULTURE Applications.

REQUEST FOR ADMISSION NO. 79:

Opposer's trademark CULTUREPOP is famous.

REQUEST FOR ADMISSION NO. 80:

Opposer's trademark CULTUREPOP is well-known.

REQUEST FOR ADMISSION NO. 81:

Opposer has built up a valuable goodwill in connection with its CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 82:

The channels of trade of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 83:

The channels of trade of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 84:

The channels of marketing of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 85:

The channels of marketing of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 86:

The targeted demographic of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 87:

The targeted demographic of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 88:

The nature of the content associated with the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 89:

The nature of the content associated with the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 90:

The E POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 91:

The E POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 92:

The E POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 93:

The E POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 94:

The E POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 95:

The E POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 96:

The E POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 97:

The E POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 98:

Applicant is aware of the existence of instances of actual confusion between the E POP OF CULTURE Mark and the CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 99:

Applicant is aware of the existence of actual confusion between the E POP OF CULTURE Mark and the CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 100:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the goods set forth in the E POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 101:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the services set forth in the E POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 102:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the goods set forth in the E POP OF CULTURE Applications.

REQUEST FOR ADMISSION NO. 103:

Applicant has not used the E POP OF CULTURE Mark in connection with all of services set forth in the E POP OF CULTURE Applications.

REQUEST FOR ADMISSION NO. 104:

Applicant conducted a trademark search for the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 105:

Applicant conducted a trademark search for the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 106:

Opposer and Applicant have no written agreement with each other of any kind.

REQUEST FOR ADMISSION NO. 107:

Opposer and Applicant have no oral agreement with each other of any kind.

REQUEST FOR ADMISSION NO. 108:

Opposer did not authorize Applicant to use the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 109:

Opposer did not authorize Applicant to use the E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 110:

Opposer did not authorize Applicant to use Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 111:

The E POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

REQUEST FOR ADMISSION NO. 112:

The E POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

REQUEST FOR ADMISSION NO. 113:

The E POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

REQUEST FOR ADMISSION NO. 114:

The E POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

REQUEST FOR ADMISSION NO. 115:

The CULTUREPOP mark is not descriptive of the services offered by Opposer under the mark.

REQUEST FOR ADMISSION NO. 116:

The U.S. Patent and Trademark Office did not refuse registration of the CULTUREPOP mark based on descriptiveness.

REQUEST FOR ADMISSION NO. 117:

Opposer did not claim the benefit of Section 2(f) of the Lanham Act in seeking registration of the CULTUREPOP mark.

SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP

Dated: February 12, 2014

By: _____
Jill M. Pietrini
Whitney Walters

Attorneys for Opposer
Summit Entertainment, LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC** is being served via hand delivery in an envelope addressed to:

Michael J. McCue
LEWIS AND ROCA LLP
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169

on this 12th day of February, 2014.

LaTrina A. Martin

SMRH:415540879.1

EXHIBIT D

SheppardMullin

Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6055
310.228.3700 main
310.228.3701 main fax
www.sheppardmullin.com

Whitney Walters
310.228.3714 direct
wwalters@sheppardmullin.com

April 29, 2014

File Number: 17BD-179066

VIA EMAIL AND CONFIRMATION BY MAIL

Michael J. McCue, Esq.
LEWIS ROCA ROTHGERBER LLP
3993 Howard Hughes Pkwy, Ste 600
Las Vegas, NV 89169
MMcCue@lrrlaw.com

Re: *Ovation LLC v. E! Entertainment Television, LLC—Opposition No. 91-210506*

Dear Michael:

We write to address Applicant E! Entertainment Television, LLC's ("Applicant") wholesale failure to respond to Opposer Ovation LLC's First Sets of Requests for Production of Documents ("RFPs") and First Set of Interrogatories ("Interrogatories"). This letter is an effort to meet and confer over the deficiencies noticed herein pursuant to 37 C.F.R. § 2.120(e)(1) and TBMP § 523.

On January 24, 2014, Opposer served Applicant with its first set of RFPs and Interrogatories by first class mail. By agreement of the parties, Applicant's written responses to the RFPs were due to be served on Opposer ***no later than April 9, 2014***. Although Applicant was never granted an extension of this deadline (by Opposer or the Board), Applicant has not served any responses to the RFPs or Interrogatories to date. Instead, Applicant filed a motion to compel on April 9, 2014, which included a belated request to extend Applicant's time to respond to the outstanding discovery by an additional 30 days (on top of the 75 days Applicant already had been granted to respond to the discovery). Applicant's motion did ***not*** toll the time for Applicant to respond to Opposer's outstanding discovery requests. *See* TBMP § 510; 37 CFR § 2.120(e)(2). Therefore, Applicant is well beyond the deadline to respond to Opposer's discovery requests.

Applicant's failure to serve written responses is in contravention of Fed.R.Civ.P. 33(b)(2) and 34(b)(2), which require a party to serve responses and/or objections to requests for production and interrogatories within 30 days of service or such time as agreed to by the parties. Accordingly, Applicant has waived all of its objections thereto, and must immediately serve written responses to the RFPs and Interrogatories ***without objection*** and produce ***all documents*** in its possession, custody, or control responsive to the RFPs. *See* TBMP §§ 405.04(a), 406.04(a); *Crane Co. v. Shimano Industrial Co.*, 184 U.S.P.Q. 691, 691 (TTAB 1975). Applicant may not refuse to produce documents on the basis of any objection, nor may it resurrect any objections it is deemed to have waived by responding to the discovery requests after the deadline to respond has passed.

Applicant's service of responses with objections or its continued failure to serve responses to the RFPs or Interrogatories or to produce all responsive documents without objection will result in Opposer filing a motion to compel with the Board.

Please confirm by May 2, 2014 that Applicant will immediately comply with its obligations under the Fed.R.Civ.P. and TMBP, as articulated above. Should you wish to discuss any of these issues further, please let us know what your availability is this week for a further meet and confer. My colleague, Paul Bost, will handle those discussions, as I am in the process of transitioning my cases due to my maternity leave.

Very truly yours,

Whitney Walters
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:422388814.1

cc: Jill M. Pietrini, Esq.
Paul A. Bost, Esq.

EXHIBIT E

LEWIS ROCA ROTHGERBER

Lewis Roca Rothgerber LLP
3993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169-5996

Jonathan W. Fountain, Of Counsel
Admitted in: Nevada and Michigan
Direct Dial: 702 949.8340 | JFountain@LRRLaw.com
Direct Fax: 702 949.8374

Our File Number: 53697-00001

May 8th, 2014

Whitney Walters and Paul Bost
Sheppard, Mullin, Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6055
Via email wwalters@sheppardmullin.com
pbost@sheppardmullin.com

Re: Ovation LLC v. E! Entertainment Television, LLC – Opposition No. 91-210506

Dear Ms. Walters and Mr. Bost:

We write in response to your April 29, 2014 letter requesting a meet-and-confer to discuss Ovation LLC's ("Ovation's") discovery requests to E! Entertainment Television LLC ("E! Entertainment").

As you know, the parties previously agreed to extend the time for E! Entertainment to serve its written objections and responses to Ovation's discovery requests until April 9, 2014. On that same date, April 9, 2014, E! Entertainment filed a motion to compel with the Board. The motion included a request for an additional 30-day extension of time for E! Entertainment to serve its written objections and responses to Ovation's discovery requests as well as a request for an extension of the discovery period by 90 days.

Contrary to your contention that E! Entertainment has waived its objections to Ovation's discovery requests, E! Entertainment has done no such thing. The Federal Rules of Civil Procedure and the Trademark Rules specifically provide for extensions of time to serve objections and responses to written discovery requests. *See* TBMP § 403.04; 37 C.F.R. § 2.120(a)(3) ("The time to respond [to interrogatories, requests for production of documents and things, and requests for admission] may be extended upon stipulation of the parties, or upon motion granted by the Board, or by order of the Board."); John Kimpflen et. al., *Federal Procedure, Lawyers Edition*, 10A Fed. Proc., L. Ed. § 26:544 ("Before the expiration date for serving responses to interrogatories, a party has the right to seek an extension of time").

It is ironic that you are seeking to meet and confer with us concerning E! Entertainment's responses to Ovation's discovery requests given that E! Entertainment's motion for additional time to serve its written objections and responses is based upon Ovation's substantial delay in responding to E! Entertainment's request to ***meet-and-confer*** with respect to Ovation's grossly deficient discovery responses.

E! Entertainment's motion for an extension of time to serve its written objections and responses is currently pending before the Board and has not been decided. As the motion is pending, a meet-and-confer session is premature and would not serve any purpose at this time, as the subject of the meet and confer – when must E! Entertainment serve its objections and responses – is squarely before the Board. Put another way, we believe the issue you would like to meet and confer about is already before the Board. *See* TBMP § 509.01 ("If the motion [for extension of time] is filed prior to the expiration of the period as originally set or previously extended, the motion is one to extend a period which has not yet closed (often referred to as a motion to 'extend'), and the moving party need only show good cause for the requested extension.")

Accordingly, we are not sure what a meet-and-confer would accomplish. If you wish to meet-and-confer simply to satisfy the requirement that you do so before filing a motion to compel objections and responses (despite the fact that E! Entertainment timely sought an extension of time which is pending before the Board), then we respectfully ask that you reconsider as such a motion would require both sides to expend unnecessary time and money briefing an issue already before the Board.

Best regards,

LEWIS ROCA ROTHGERBER LLP

s/ Jonathan W. Fountain

Jonathan W. Fountain

JWF/rc

cc: Michael J. McCue, Esq. (via email only)
Meng Zhong, Esq. (via email only)

EXHIBIT F

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

OVATION, LLC, a Delaware limited liability company, Opposer, v. E! ENTERTAINMENT TELEVISION, LLC, a Delaware limited liability company, Applicant.	Opposition No. 91210506 Mark: POP OF CULTURE Serial No. 85/569798

APPLICANT'S OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Applicant E! Entertainment Television, LLC ("Applicant" and/or "E!") hereby objects and responds to Opposer's First Set of Interrogatories to Applicant (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Applicant makes the following General Objections to the Interrogatories. Each of these General Objections is incorporated into the Specific Objections and Answers set forth below, whether or not separately set forth therein.

1. Applicant objects to each Interrogatory as unduly burdensome and oppressive on the grounds that it purports to require Applicant to search Applicant's facilities and inquire of Applicant's employees other than those facilities and employees that would reasonably be expected to have responsive information. Applicant's responses are based upon: (A) a reasonable search, given the time allocated to Applicant to respond to the Interrogatories, of facilities and files that could reasonably be expected to contain responsive information; and (B)

inquiries of Applicant's employees and/or representatives who could reasonably be expected to possess responsive information. The subject matter of these Interrogatories is under continuing investigation. Applicant will respond to these Interrogatories with current knowledge and reserves the right to supplement these responses if any additional information is identified at a later time and to make any additional objections that may become apparent. Applicant expressly reserves the right to make any use of, or introduce at any hearing or at trial, any documents or information not known of or thought to be responsive at the time of response.

2. Specific objections to each Interrogatory are made on an individual basis below. Applicant expressly incorporates each of the General Objections to each specific Response as if set forth in full therein. The Specific Objections are submitted without prejudice to, and without any waiver of, the General Objections not expressly set forth in the specific Response. The assertion of any objection to any Interrogatory is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert that or any other objection at a later date.

3. No incidental or implied admission is intended by any Response. Applicant's answer or objection to any Interrogatory should not be taken as an admission that Applicant accepts or admits the existence of any "facts" set forth or assumed by such request. An answer to part or all of any Interrogatory is not intended to be, and shall not be construed to be, a waiver of any part of any objection to the Interrogatory.

4. Applicant objects to each Interrogatory, and their Definitions, to the extent that they purport to impose upon Applicant any obligations that differ from, or exceed, those required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Trademark Rules, the TBMP, and/or any other rules of the Board, any other applicable rules or law, or any of the parties' agreements.

5. Applicant objects to each Interrogatory to the extent that it seeks information that

is protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Any disclosure of such protected and privileged information is inadvertent and is not intended to waive those privileges or protections.

6. Applicant objects to each Interrogatory to the extent it seeks information that consists of or contains proprietary business information, trade secrets, or other confidential information. Applicant will not produce any documents until a suitable Protective Order is entered in this case, or until the parties have reached an interim agreement regarding the treatment of confidential information. Applicant also will produce documents once the parties have reached an agreement regarding the production format for electronically stored information.

7. Applicant objects to the Interrogatories to the extent that they call for information that is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to the Interrogatories to the extent that they seek information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

9. Applicant objects to the Interrogatories to the extent that they are overbroad, unduly burdensome, oppressive or seek information that is beyond the scope of discovery under the Federal Rules of Civil Procedure or purport to require Applicant to search facilities or inquire of employees other than those facilities and employees that would reasonably be expected to have responsive information.

10. Applicant objects to the Interrogatories to the extent that they seek disclosure of information protected by any right to privacy, under confidentiality obligations, or subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure or other

confidentiality agreements entered into by Applicant.

11. Applicant objects to the Interrogatories to the extent that they call for information not reasonably available to, or the identification of, documents not within the possession, custody, or control of Applicant. The answers given herein are based on information reasonably available to Applicant and the documents within Applicant's possession, custody, or control, including Applicant's knowledge of the same.

12. Applicant objects to each Interrogatory to the extent that it seeks information from a time period that is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Applicant objects to each Interrogatory to the extent that it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant will interpret the terms and phrases used in those Interrogatories as those terms and phrases are understood to Applicant.

14. Applicant objects to each Interrogatory to the extent that it seeks specific categories of information relating to the activities of Applicant's customers and/or suppliers. In most instances, the requested information is not maintained or documented by Applicant. Although it is possible that one or more Applicant's employees has some limited understanding of supplier and/or customer activities on an ad hoc basis, locating and gathering responsive information would be unduly burdensome. In the event the Interrogatories seek information or documents that are maintained in a reasonably accessible fashion and identifiable by Applicant, and the Interrogatories are not objectionable on other grounds, Applicant will provide responsive information.

15. Applicant objects to each Interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature.

16. Applicant objects to Opposer's definitions of "Applicant," "document," "identify," "Opposer," "person," and "POP OF CULTURE Goods and Services," on the grounds that these definitions are vague and/or ambiguous, overly broad, unduly burdensome, and oppressive. Applicant will respond to these Requests based on the information and documents reasonably available to Applicant.

17. Applicant objects to each Interrogatory to the extent it seeks information relating to activities beyond the scope of this case.

18. Applicant objects to the extent the total number of Interrogatories exceeds that permitted by the Board.

19. Applicant objects to each Interrogatory to the extent it is inconsistent with any of the parties stipulations and/or agreements concerning the conduct of discovery in this proceeding.

20. Applicant objects to each Interrogatory to the extent the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

SPECIFIC OBJECTIONS AND ANSWERS

INTERROGATORY NO. 1:

Identify and describe in detail, separately by use and intent to use, all products and services of Applicant bearing, sold, provided or offered under or intended to be sold, provided, or offered under, the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 1: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks

information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant uses or intends to use the POP OF CULTURE Mark on the following products and services: Television, cable television, satellite television, internet, wireless, mobile, radio, and interactive multimedia broadcasting services; broadcasting and transmission of programming, audio and visual content, and entertainment media content via television, cable television, satellite television, video-on-demand, digital media, multimedia, the internet, and wireless and mobile networks; podcasting and webcasting services; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users; television programming services; entertainment in the nature of television programming, cable television programming, satellite television programming, internet programming, multimedia programming, and programming via wireless and mobile networks; entertainment services, namely, audio-visual programming via the internet and wireless and mobile networks; production of television, cable, video-on-demand, digital, satellite, wireless, mobile, internet, and multimedia programs and entertainment media content; production and programming of audio and video content; providing online journals, namely, blogs in the field of entertainment; provision of news and information via the internet and mobile and wireless networks in the field of entertainment. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 2:

For each of the POP OF CULTURE Goods and Services, state the date that POP OF CULTURE was first used anywhere and first used in interstate commerce on or in connection with each such product or service.

RESPONSE TO INTERROGATORY NO. 2: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 3:

State the date of first sale anywhere of each of the POP OF CULTURE Goods and Services.

RESPONSE TO INTERROGATORY NO. 3: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks

information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 4:

For each of the POP OF CULTURE Goods and Services, describe in detail the channels of trade and distribution in which such products or services are sold, provided, or offered, or intended to be sold, provided, or offered, including without limitation, the type of retailer or outlet in which each such product or service is sold, provided, offered, or is intended to be sold, provided or offered.

RESPONSE TO INTERROGATORY NO. 4: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated

to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 5:

For each of the POP OF CULTURE Goods and Services, describe in detail the demographic market to which those products and services are sold, offered or directed, or intended to be sold, offered or directed. Such description shall include the age, location, and mean household income of those purchasers who Applicant expects and/or intends to buy and use such products and/or of those viewers, consumers, or purchasers of such services.

RESPONSE TO INTERROGATORY NO. 5: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent

Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 6:

For each of the POP OF CULTURE Goods and Services, describe in detail how that mark appears, or is intended to appear, on or in connection with each such product or service, including without limitation, the location and size of said mark, and how it is used in connection with the sale, offering, distribution, production, marketing, or advertising of each such product or service.

RESPONSE TO INTERROGATORY NO. 6: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 7:

State the date(s) that Applicant selected and/or adopted the POP OF CULTURE Marks for use with the services listed in the Applications.

RESPONSE TO INTERROGATORY NO. 7: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 8:

Identify all persons who were involved in, participated in, decided upon, or offered suggestions for, the selection and/or adoption of the POP OF CULTURE Marks by Applicant.

RESPONSE TO INTERROGATORY NO. 8: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this interrogatory to the extent it

seeks information protected by attorney-client privilege and work product related to legal advice regarding the POP OF CULTURE Marks.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 9:

State all facts related to Applicant's awareness or knowledge of Opposer's use of the CULTUREPOP Mark, the CulturePop.com website, or the services offered by Opposer under the CULTUREPOP Mark, at the time that Applicant selected and/or adopted, or filed the Applications to register, the POP OF CULTURE Marks, including, but not limited to, describing in detail what Applicant knew about any of the foregoing and the identity of the person with such knowledge.

RESPONSE TO INTERROGATORY NO. 9: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by requiring Applicant to "state all facts," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 10:

State all facts related to whether Applicant has ever conducted a trademark search of any kind (on-line, full search, or manual search of records of the U.S. Patent and Trademark Office or any other registrar of trademarks) relating to the POP OF CULTURE Marks or any other trademark containing the terms POP or CULTURE, including, but not limited to, identifying each such search report by providing the date on which the search was conducted, and stating whether the CULTUREPOP Mark or Opposer were uncovered or disclosed in any such search.

RESPONSE TO INTERROGATORY NO. 10: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by requiring Applicant to "state all facts," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers

and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to fully answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 11:

Describe in detail the method of marketing, promotion, and advertising of each of the POP OF CULTURE Goods and Services.

RESPONSE TO INTERROGATORY NO. 11: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 12:

State separately the annual and total amount spent by or on behalf of Applicant for advertising, promoting, or marketing the POP OF CULTURE Goods and Services from the date of first use to present. If Applicant does not maintain records of the amounts spent on

the advertisement and promotion of the POP OF CULTURE Goods and Services, state the annual and monthly amount spent by or on behalf of Applicant for the advertisement and promotion of all of Applicant's products or services regardless of the mark or name applied to such products or services from the date of first use of the POP OF CULTURE Marks to the present.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

RESPONSE TO INTERROGATORY NO. 12: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by seeking "the annual and monthly amount spent by or on behalf of Applicant for the advertisement and promotion of all of Applicant's products or services regardless of the mark or name applied to such products or services," this interrogatory is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly

broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 13:

Identify and describe in detail any marketing, promotion, or advertising plans or programs of Applicant's directed toward or targeted to any particular trade, industry or consumer group for the POP OF CULTURE Goods and Services, including, but not limited to, identifying each such trade, industry, or consumer group.

RESPONSE TO INTERROGATORY NO. 13: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by seeking "any" marketing, promotion, or advertising plans or programs, the interrogatory is overly broad, unduly burdensome, and seeks cumulative information. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 14:

If Applicant has ever received any unfavorable comments, evaluations or information, or any criticism or complaints about the quality of the POP OF CULTURE Goods and Services, identify and describe in detail all communications which refer, relate, or pertain to all such comments, evaluations, information, criticism, and complaints, the date of each such communication, and the persons who made and received such communication.

RESPONSE TO INTERROGATORY NO. 14: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "any unfavorable comments, evaluations or information, or any criticism or complaints" in addition to "all communications which refer, relate, or pertain to all such comments, evaluations, information, criticism, and complaints, the date of each such communication, and the persons who made and received such communication." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 15:

Identify and describe in detail all instances in which Applicant received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Opposer and Applicant or between the CULTUREPOP Mark or Applicant and the goods or services offered by Opposer or the POP OF CULTURE Goods and Services, and for each instance, identify all individuals who have knowledge of the facts thereof, the context of each instance, and the date of each instance.

RESPONSE TO INTERROGATORY NO. 15: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all instances in which Applicant received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Opposer and Applicant or between the CULTUREPOP Mark or Applicant and the goods or services offered by Opposer or the POP OF CULTURE Goods and Services, and for each instance, [the identity of] all individuals who have knowledge of the facts thereof, the context of each instance, and the date of each instance." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to

gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 16:

Identify all surveys, public opinion polls, or any other forms of consumer or market research known to Applicant which refer, relate to, or pertain in any way to the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or Opposer.

RESPONSE TO INTERROGATORY NO. 16: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all surveys, public opinion polls, or any other forms of consumer or market research known to Applicant which refer, relate to, or pertain in any way to the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or Opposer." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 17:

Identify and describe in detail all media used by Applicant to run or publish anywhere

any advertisements bearing or featuring the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services anywhere, including, but not limited to, the number of times each print advertisement was run or published, the time of day or night each radio or television advertisement was run, the length of each radio or television advertisement, and the location and size of each print advertisement in each publication or medium identified.

RESPONSE TO INTERROGATORY NO. 17: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all media used by Applicant to run or publish anywhere any advertisements bearing or featuring the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services anywhere, including, but not limited to, the number of times each print advertisement was run or published, the time of day or night each radio or television advertisement was run, the length of each radio or television advertisement, and the location and size of each print advertisement in each publication or medium identified." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 18:

Identify and describe in detail all contracts, participation agreements, syndication agreements, licensing agreements, production agreements, manufacturing agreements, distribution agreements, finance agreements, or arrangements between Applicant and any third-party relating to any POP OF CULTURE Goods and Services or the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 18: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all contracts, participation agreements, syndication agreements, licensing agreements, production agreements, manufacturing agreements, distribution agreements, finance agreements, or arrangements between Applicant and any third-party relating to any POP OF CULTURE Goods and Services or the POP OF CULTURE Marks." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 19:

Identify and describe in detail all cross-marketing agreements, website linking agreements, promotion agreements, sponsorship agreements, or other marketing or advertising arrangements between Applicant and any third party relating to any of the POP OF CULTURE Goods and Services, including but not limited to, stating the date of each such agreement or arrangement, the term of each such agreement or arrangement, a description of the rights licensed or granted, and the types of goods or services relating to each such agreement.

RESPONSE TO INTERROGATORY NO. 19: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all cross-marketing agreements, website linking agreements, promotion agreements, sponsorship agreements, or other marketing or advertising arrangements between Applicant and any third party relating to any of the POP OF CULTURE Goods and Services, including but not limited to, stating the date of each such agreement or arrangement, the term of each such agreement or arrangement, a description of the rights licensed or granted, and the types of goods or services relating to each such agreement." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with

matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 20:

Identify all keywords, Adwords, or search terms purchased or bid on for the POP OF CULTURE Goods and Services and all electronic tags or markings or other search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services.

RESPONSE TO INTERROGATORY NO. 20: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all keywords, Adwords, or search terms purchased or bid on for the POP OF CULTURE Goods and Services and all electronic tags or markings or other search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services." Applicant further objects to this interrogatory because information concerning "Adwords or search terms" "bid on" for the "POP OF CULTURE Goods and Services" are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this interrogatory to the extent it seeks information not known to Applicant, not within Applicant's possession, custody, or control, and/or not reasonably obtainable by Applicant. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

Subject to and without waiving its General and Specific Objections, and to the extent

Applicant understands what it is being asked, Applicant answers and states that given the overly broad and burdensome nature of the request and the Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery, Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 21:

State all facts that relate to, support, or negate Applicant's allegations in Paragraph 7 of Applicant's Answer denying that "[t]he registration of Applicant's POP OF CULTURE [M]ark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods and services offered under the POP OF CULTURE Mark, and/or to draw a false association, sponsorship, connection, affiliation, or endorsement with Opposer, the CulturePop.com website, and or the CULTUREPOP Intellectual Property."

RESPONSE TO INTERROGATORY NO. 21: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's allegations in Paragraph 7 of Applicant's Answer . . . ." Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to this interrogatory to the extent it seeks information not known to Applicant, not within Applicant's possession, custody, or control, and/or not reasonably obtainable by Applicant. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant

objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 22:

State the actual meaning or connotation of each of the POP OF CULTURE Marks and the meaning or connotation intended by Applicant of each of the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 22: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it is misleading and falsely assumes that the actual meaning or connotation of each of the POP OF CULTURE Marks is different from the meaning or connotation intended by Applicant. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant intended POP OF CULTURE to mean a phrase that is associated with Applicant's business and connote the idea of popular culture.

INTERROGATORY NO. 23:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture."

RESPONSE TO INTERROGATORY NO. 23: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 24:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks," including but not limited to, an identification of all third party marks on which Applicant intends to rely, the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years.

RESPONSE TO INTERROGATORY NO. 24: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad,

unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark 'is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks,' including but not limited to, an identification of all third party marks on which Applicant intends to rely, the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years." Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 25:

State all facts that relate to, support, or negate Applicant's Affirmative Defense as stated in Applicant's Answer.

RESPONSE TO INTERROGATORY NO. 25: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's Affirmative Defense." Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total

number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 26:

Identify all entities who are affiliates of Applicant, including all entities who own or control at least 25 percent of Applicant's business, or who are at least 25 percent owned by or controlled by Applicant or with whom Applicant shares any common officers or directors.

RESPONSE TO INTERROGATORY NO. 26: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request because it seeks information that is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 27:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the CULTUREPOP mark is entitled to, at best, a narrow scope of protection;" and that the CULTUREPOP mark is "conceptually and commercially weak."

RESPONSE TO INTERROGATORY NO. 27: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the CULTUREPOP mark is entitled to, at best, a narrow scope of protection;' and that the CULTUREPOP mark is 'conceptually and commercially weak.'" Applicant further objects to

this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 28:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion."

RESPONSE TO INTERROGATORY NO. 28: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 29:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion."

RESPONSE TO INTERROGATORY NO. 29: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 30:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the source of services offered under our POP OF CULTURE mark-E! Entertainment Television-will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion."

RESPONSE TO INTERROGATORY NO. 30: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad,

unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the source of services offered under our POP OF CULTURE mark-E! Entertainment Television-will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

INTERROGATORY NO. 31:

Separately state the total amount of sales, in units and dollars, of each product bearing, sold under, or offered under the POP OF CULTURE Marks, and the total revenue generated from the services offered under the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 31: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Applicant also objects to this interrogatory because, by requiring Applicant to "total amount of sales, in units and dollars, of each product bearing, sold under, or offered under the POP OF CULTURE Marks, and the total revenue generated from the services offered under the POP OF CULTURE Marks," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory because the burden or expense of the proposed information outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in

the action, and the importance of the discovery in resolving the issues.

INTERROGATORY NO. 32:

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Applicant's responses to Opposer's First Set of Requests for Admission, and Applicant's Responses to Opposer's First Set of Request for Production of Documents served concurrently herewith.

RESPONSE TO INTERROGATORY NO. 32: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

INTERROGATORY NO. 33:

State the total number of units manufactured of each product bearing, sold under, or offered under the POP OF CULTURE Marks to date.

RESPONSE TO INTERROGATORY NO. 33: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Applicant also objects to this interrogatory because, by requiring Applicant to "total number of units manufactured of each product bearing, sold under, or offered under the POP OF CULTURE Marks to date," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory because the burden or expense of the proposed information outweighs its likely benefit, considering the needs of the

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case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

Dated: this 9th day of May, 2014.

AS TO OBJECTIONS ONLY:

LEWIS ROCA ROTHGERBER LLP

By: _____

Michael J. McCue
Jonathan W. Fountain
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Las Vegas, NV 89169-5996
(Tel.) 702-949-8200
(Fax) 702-949-8398

Attorneys for Applicant
E! Entertainment Television, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 9th, 2014, I served a true and accurate copy of the foregoing document entitled, APPLICANT'S OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT, by first-class, United States mail, upon the following counsel for Opposer:

Jill M. Pietrini, Esq.
Whitney Walters, Esq.
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

/s/ Rebecca J. Contla
An employee of Lewis and Roca LLP

EXHIBIT G

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

OVATION, LLC, a Delaware limited liability company, Opposer, v. E! ENTERTAINMENT TELEVISION, LLC, a Delaware limited liability company, Applicant.	Opposition No. 91210506 Mark: POP OF CULTURE Serial No. 85/569798

APPLICANT'S OBJECTIONS AND RESPONSES TO
OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT

Applicant E! Entertainment Television, LLC ("Applicant" and/or or "E!") hereby objects and responds to Opposer's First Set of Requests for Production to Applicant (the "Requests") as follows:

GENERAL OBJECTIONS

Applicant makes the following General Objections to the Requests. Each of these General Objections is incorporated into the Specific Objections and Responses set forth below, whether or not separately set forth therein.

1. Applicant objects to each Request as unduly burdensome and oppressive on the grounds that it purports to require Applicant to search Applicant's facilities and inquire of Applicant's employees other than those facilities and employees that would reasonably be expected to have responsive documents. Applicant's responses are based upon: (A) a reasonable search, given the time allocated to Applicant to respond to the Requests, of facilities and files that could reasonably be expected to contain responsive documents; and (B) inquiries of

Applicant's employees and/or representatives who could reasonably be expected to possess responsive documents. The subject matter of these Requests is under continuing investigation. Applicant will respond to these Requests with current knowledge and reserves the right to supplement these responses if any additional documents are identified at a later time and to make any additional objections that may become apparent. Applicant expressly reserves the right to make any use of, or introduce at any hearing or at trial, any documents not known of or thought to be responsive at the time of response.

2. Specific objections to each Request are made on an individual basis below. Applicant expressly incorporates each of the General Objections to each specific Response as if set forth in full therein. The Specific Objections are submitted without prejudice to, and without any waiver of, the General Objections not expressly set forth in the specific Response. The assertion of any objection to any Request is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert that or any other objection at a later date.

3. No incidental or implied admission is intended by any Response. Applicant's answer or objection to any Request should not be taken as an admission that Applicant accepts or admits the existence of any "facts" set forth or assumed by such Request. An answer to part or all of any Request is not intended to be, and shall not be construed to be, a waiver of any part of any objection to the Request.

4. Applicant objects to each Request, and their Definitions, to the extent that they purport to impose upon Applicant any obligations that differ from, or exceed, those required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Trademark Rules, the TBMP, and/or any other rules of the Board, any other applicable rules or law, or any of the parties' agreements.

5. Applicant objects to each Request to the extent that it seeks documents that are

protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Any disclosure of such protected and privileged documents is inadvertent and is not intended to waive those privileges or protections.

6. Applicant objects to each Request to the extent it seeks documents that consist of or contain proprietary business information, trade secrets, or other confidential information. Applicant will not produce any documents until a suitable Protective Order is entered in this case, or until the parties have reached an interim agreement regarding the treatment of confidential information. Applicant also will produce documents once the parties have reached an agreement regarding the production format for electronically stored information.

7. Applicant objects to the Requests to the extent that they call for documents that are neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to the Requests to the extent that they seek documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

9. Applicant objects to the Requests to the extent that they are overbroad, unduly burdensome, oppressive or seek documents that are beyond the scope of discovery under the Federal Rules of Civil Procedure or purport to require Applicant to search facilities or inquire of employees other than those facilities and employees that would reasonably be expected to have responsive documents.

10. Applicant objects to the Requests to the extent that they seek disclosure of information protected by any right to privacy, under confidentiality obligations, or subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure or other

confidentiality agreements entered into by Applicant.

11. Applicant objects to the Requests to the extent that they call for information and documents not reasonably available to, or the identification of, documents not within the possession, custody, or control of Applicant. The responses given herein are based on information reasonably available to Applicant and the documents within Applicant's possession, custody, or control, including Applicant's knowledge of the same.

12. Applicant objects to each Request to the extent that it seeks documents from a time period that is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Applicant objects to each Request to the extent that it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant will interpret the terms and phrases used in those Requests as those terms and phrases are understood to Applicant.

14. Applicant objects to each Request to the extent that it seeks specific categories of documents relating to the activities of Applicant's customers and/or suppliers. In most instances, the requested documents are not maintained by Applicant. Although it is possible that one or more Applicant's employees has some limited understanding of supplier and/or customer activities on an ad hoc basis, locating and gathering responsive documents would be unduly burdensome. In the event the Requests seek documents that are maintained in a reasonably accessible fashion and identifiable by Applicant, and the Requests are not objectionable on other grounds, Applicant will provide responsive documents.

15. Applicant objects to each Request to the extent it seeks Applicant's contentions at this time and is thereby premature.

16. By stating in these responses that Applicant will produce documents, Applicant

does not intend to represent that any responsive documents actually exist, but rather that Applicant is making and will continue to make a reasonable, good faith search and attempt to ascertain whether responsive documents do in fact exist.

17. Applicant objects to Opposer's definitions of "Applicant," "document," "identify," "Opposer," "person," and "POP OF CULTURE Goods and Services," on the grounds that these definitions are vague and/or ambiguous, overly broad, unduly burdensome, and oppressive. Applicant will respond to these Requests based on the information and documents reasonably available to Applicant.

18. Applicant objects to each Request to the extent it seeks documents relating to activities beyond the scope of this case.

19. Applicant objects to each Request to the extent it does not identify the documents sought with reasonable particularity.

20. Applicant objects to each Request to the extent it is inconsistent with any of the parties stipulations and/or agreements concerning the conduct of discovery in this proceeding.

21. Applicant objects to each Request to the extent the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR PRODUCTION NO. 1:

Representative samples of documents identifying each type of good and each type of service offered under or intended to be offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 2:

All documents relating to the date(s) of first use anywhere and in interstate commerce by Applicant of the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Applicant further objects to this Request because it seeks publicly available documents that are obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 3:

All documents relating to the date of first sale of each product bearing or sold under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "all documents," it

is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 4:

Specimens of all of website pages, press releases, one sheets, labels, invoices, packing slips, tags, markings, nameplates, and the like, and/or advertising material that constitute the first use claimed for or intended first use of the POP OF CULTURE Marks for any goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all of website pages, press releases, one sheets, labels, invoices, packing slips, tags, markings, nameplates, and the like, and/or advertising material documents," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 5:

Two samples of each product bearing, sold under or intended to be sold under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Subject to and without waiving its General Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents and tangible things responsive to this Request, to the extent that such documents and tangible things exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 6:

Representative samples of each type of label, hang tag, container, carton, tag, invoice, sticker, box, bag, packaging, and/or other means by which Applicant has applied or used or intends to apply or use the POP OF CULTURE Marks on or in connection with any goods.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Subject to and without waiving its General Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents and tangible things responsive to this Request, to the extent that such documents and tangible things exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 7:

Representative samples of all website pages, press releases, one sheets, catalogs, brochures, fliers, sales meeting materials, broadcast publications (video and audio) and descriptive materials in general, from the date of first use to the present, relating to each of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in

an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all website pages, press releases, one sheets, catalogs, brochures, fliers, sales meeting materials, broadcast publications (video and audio) and descriptive materials in general," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to the selection and adoption of the POP OF CULTURE Marks by Applicant and of the availability or clearance of such mark for use and/or registration by Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Applicant objects to this Request to the extent that it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents relating to the selection and adoption of the POP OF CULTURE Marks by Applicant and of the availability or clearance of such mark for use and/or registration by Applicant," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent

Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 9:

Representative samples of publications in which the POP OF CULTURE Goods and Services have been advertised, promoted, marketed, reviewed or featured anywhere, including without limitation magazines, newspapers, trade publications, and catalogs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Applicant objects to this Requests to the extent it calls for documents not reasonably available to or within the possession, custody, or control, of Applicant.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 10:

All documents relating to the channels of distribution and intended channels of distribution of each of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within

Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 11:

All documents identifying the type of retailer, store, or retail outlet, whether brick and mortar or online, which sells, offers for sale, intends to sell, promotes, or advertises any of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 12:

All documents that relate to, or identify, the market (*i.e.,* type of purchaser), who Applicant expects and intends to actually buy, or use, and/or view the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly

burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 13:

All documents identifying any particular trade, industry, or consumer group toward which any marketing or advertising is directed or targeted for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 14:

All documents relating to surveys, public opinion polls, or any other forms of consumer or market research that relate in any way to the POP OF CULTURE Marks, the POP OF CULTURE Goods and Services, the CULTUREPOP Mark, the CulturePop.com website, marks including the term CULTURE and/or POP, or Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 15:

Representative samples of all invoices, purchase orders, participation statements, royalty statements, and distribution statements for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "all invoices, purchase orders, participation statements, royalty statements, and distribution statements for the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 16:

All inventory reports, order forecasts, and sales forecasts referring or relating to goods or services bearing or sold under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "All inventory reports, order forecasts, and sales forecasts referring or relating to goods or services bearing or sold under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 17:

Documents sufficient to reflect the total sales of the goods offered under or bearing the POP OF CULTURE Marks in units and dollars.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: Subject to and without waiving its General Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 18:

Documents sufficient to reflect the total revenue earned from the sale or offering of any services or content under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 19:

Documents sufficient to identify the retail price or intended retail price of each product or service bearing, sold, offered, or provided under, or intended to be sold, offered or provided under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in

an understandable manner.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 20:

Documents sufficient to identify the wholesale price or intended wholesale price of each product or service bearing, sold, offered, or provided under, or intended to be sold, offered, or provided under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 21:

Representative samples of all documents relating to marketing, promotion, or advertising of each of the POP OF CULTURE Goods and Services, including but not limited to, documents relating to marketing and advertising plans or strategies for each such product or service, or cumulatively for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 22:

All documents that relate to the method of marketing each of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 23:

Representative samples of all advertisements and marketing material for each of the POP OF CULTURE Goods and Services published, disseminated, distributed, or available or intended to be published, disseminated, distributed, or available.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "all advertisements and marketing material for each of the POP OF CULTURE Goods and Services published, disseminated, distributed, or available or intended to be published, disseminated, distributed, or available," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 24:

All cross-marketing agreements, co-branding agreements, sponsorship agreements, promotion agreements, or other marketing or advertising arrangements relating to the POP OF CULTURE Marks between Applicant and any third-party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking "All cross-marketing agreements, co-branding agreements, sponsorship agreements, promotion agreements, or other marketing or advertising arrangements relating to the POP OF CULTURE Marks between Applicant and any third-party," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Requests to the extent it seeks the disclosure of information protected by any right to privacy, under confidentiality obligations, subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, or other confidentiality agreements entered into by Applicant.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, can be located after a reasonable search, and can be disclosed without violating any court order or other obligation to maintain the confidentiality of such documents.

REQUEST FOR PRODUCTION NO. 25:

All documents, for each year from the date(s) of first use to present, showing or from which it can be ascertained, the total amount Applicant has spent to market, advertise and/or promote the POP OF CULTURE Goods and Services. If Applicant does not maintain records of such amounts spent regarding the POP OF CULTURE Goods and Services specifically, produce all documents relating to the total amount spent by Applicant or on behalf of Applicant to market, advertise and/or promote all of Applicant's goods and services regardless of the mark or name applied to such goods and services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25: Applicant objects to this

Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 26:

All documents relating to any registration or application for registration of POP OF CULTURE by Applicant as a trademark, service mark, trade name, or fictitious business name in the U.S. Patent & Trademark Office, in any of the states of the United States, or in any governmental agency or department of the United States, or of any state, county, or city.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Applicant further objects to this Request because it seeks publicly available documents that are obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, and to the extent

Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 27:

All documents relating to any registration or application for registration of POP OF CULTURE by Applicant as a trademark, service mark, trade name, or fictitious business name in any international or foreign governmental agency or department.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 28:

All documents relating to any registration or application for registration, in whole or in part, of POP OF CULTURE as a domain name or address on the internet or on any other computer network.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 29:

All documents reflecting or relating to any communications that Applicant has had, orally or in writing, with any person regarding Applicant's rights to use and/or registration, or the use, of the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 30:

All documents evidencing, suggesting, or relating to any confusion between Applicant's POP OF CULTURE Goods and Services, on the one hand, and any products or services offered under the CULTUREPOP Mark, on the other hand, or any perceived sponsorship, license, or approval by Opposer of the POP OF CULTURE Goods and Services, or any perceived affiliation of any kind between Opposer and the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 31:

All documents relating to any demand made upon Applicant to abandon, modify, or alter its use of the POP OF CULTURE Marks (other than correspondence between Applicant and Opposer), including all documents relating to Applicant's response(s) to any such demand(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 31: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 32:

All documents relating to any alternate marks that were considered by Applicant for use as a trademark, service mark, or trade name instead of the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 33:

All assignments and license agreements relating to the POP OF CULTURE Marks or any marks including the terms POP or CULTURE, and all documents and correspondence relating thereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege,

and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 34:

All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 35:

All organization charts or other documents which reflect the organization and operational structure of all entities that are owned by, share common ownership with, or have an ownership or management interest in Applicant and its related entities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35: Applicant objects to this

Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly Applicant will not produce the requested documents.

REQUEST FOR PRODUCTION NO. 36:

All business plans of Applicant and its related entities for the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All business plans of Applicant and its related entities for the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent

Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 37:

All contracts between Applicant, on the one hand, and its (a) distributors of (b) manufacturers of, (c) providers/suppliers of, and/or (d) retailers for products offered under the POP OF CULTURE Marks, on the other hand.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All contracts," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 38:

All participation agreements and statements, synchronization agreements, producer agreements, merchandise agreements, distribution agreements and statements, network agreements, agreements concerning broadcasting or streaming content on the internet or to mobile devices, relating to the services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All participation agreements. and statements, synchronization agreements, producer agreements, merchandise agreements, distribution agreements and statements, network agreements, agreements concerning broadcasting or streaming content on the internet or to mobile devices, relating to the services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 39:

All contracts between Applicant, on the one hand, and owners of content acquired or licensed for use, reprinting, or publication with or for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All contracts," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly Applicant will not produce the requested documents.

REQUEST FOR PRODUCTION NO. 40:

All contracts, licensing agreements, web hosting agreements, linking agreements, website affiliation agreements, web design agreements, or other arrangements relating to the POP OF CULTURE Marks, POP OF CULTURE Goods and Services, or any mark including the terms POP or CULTURE between Applicant and any third-party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All contracts," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 41:

All documents evidencing, reflecting, or relating to any complaints by third parties regarding any of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents evidencing, reflecting, or relating to any complaints

by third parties regarding any of the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Requests to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Accordingly Applicant will not produce the requested documents.

REQUEST FOR PRODUCTION NO. 42:

All emails, letters, notes, or other communications to or from Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All emails, letters, notes, or other communications to or from Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant

will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 43:

All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of the CULTUREPOP Mark, the CulturePop.com website, or any of the products or services offered under the CULTUREPOP Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of the CULTUREPOP Mark, the CulturePop.com website, or any of the products or services offered under the CULTUREPOP Mark," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 44:

All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks consisting of or including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks consisting of or including the terms POP or CULTURE," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly Applicant will not produce the requested documents.

REQUEST FOR PRODUCTION NO. 45:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of the Applications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents that Applicant reviewed or upon which Applicant relied in the preparation of the Applications," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 46:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's Answer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's Answer," it is overly broad, unduly burdensome, and

oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 47:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's responses to Opposer's First Set of Interrogatories to Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's responses to Opposer's First Set of Interrogatories to Applicant," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 48:

All documents relating to the registration, purchase, acquisition, bid, or use of POP OF CULTURE or any other name, including the words "POP" or "CULTURE," alone or with any other words as metadata, search terms, electronic tags or markings, meta tags, keywords, search engine marketing terms, or other hidden terminology or technology in any website or in any search engine on the internet, or as an "AdWord" for Google, Yahoo, Bing, or any other search engine on the internet, by or on behalf of Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to the registration, purchase, acquisition, bid, or use of POP OF CULTURE or any other name, including the words "POP" or "CULTURE," alone or with any other words as metadata, search terms, electronic tags or markings, meta tags, keywords, search engine marketing terms, or other hidden terminology or technology in any website or in any search engine on the internet, or as an "AdWord" for Google, Yahoo, Bing, or any other search engine on the internet, by or on behalf of Applicant," it is overly broad, unduly burdensome, and oppressive and needlessly seeks

cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 49:

Documents sufficient to identify the electronic tags or markings, or search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it is misleading and falsely assumes that Applicant has utilized or utilizes "electronic tags or markings, or search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services."

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 50:

Documents sufficient to identify all internet domain names owned by Applicant that include POP OF CULTURE, or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 51:

All historic and current web pages for any website operated or owned by Applicant that display, use, or feature the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "All historic and current web pages for any website operated or owned by Applicant that display, use, or feature the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services," it is overly broad, not limited to any relevant time period, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Applicant further objects to this

Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 52:

All documents relating to traffic, including the number of visitors and number of "hits" to any website operated or owned by Applicant, that displayed or featured or currently displays or features the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to traffic, including the number of visitors and number of 'hits' to any website operated or owned by Applicant, that displayed or featured or currently displays or features the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 53:

All historic and current web pages for any website operated or owned by Applicant that discuss this dispute.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All historic and current web pages for any website operated or owned by Applicant that discuss this dispute," it is overly broad, not limited in time, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 54:

All artwork or other designs used or to be used with the POP OF CULTURE Marks for any goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity.

Subject to and without waiving its General and Specific Objections, and to the extent

Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 55:

All documents provided to any expert(s) retained by Applicant as testifying experts in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Moreover, Applicant objects to this Request to the extent it requires the disclosure of information protected against disclosure by Rule 26(b)(4)(C) of the Federal Rules of Civil Procedure and to the extent it requires Applicant to provide expert disclosures earlier in time than provided for in the case schedule and earlier in time than required by Federal Rule of Civil Procedure 26(a)(2) and Trademark Rule 2.120(a)(2).

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, limited to those documents required to be produced under Fed. R. Civ. P. 26(b)(4)(c)(i)-(iii), to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 56:

All documents reflecting communications between Applicant and all testifying experts retained for this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Moreover, Applicant objects to this Request to the extent it requires the disclosure of information protected against disclosure by Rule 26(b)(4)(C) of the Federal Rules of Civil Procedure and to the extent it requires Applicant to provide expert disclosures earlier in time than provided for in the case schedule and earlier in time than required by Federal Rule of Civil Procedure 26(a)(2) and Trademark Rule 2.120(a)(2).

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, limited to those documents required to be produced under Fed. R. Civ. P. 26(b)(4)(c)(i)-(iii), to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 57:

All documents reflecting the meaning or connotation of the POP OF CULTURE mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57: Applicant objects to this

Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "All documents reflecting the meaning or connotation of the POP OF CULTURE mark," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 58:

All documents that relate to, support or negate Applicant's allegations in Paragraph 4 of Applicant's Answer denying the allegations in Paragraph 4 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 4 of Applicant's Answer denying the allegations in Paragraph 4 of the Notice of Opposition," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product

doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 59:

All documents that relate to, support or negate Applicant's allegations in Paragraph 5 of Applicant's Answer denying the allegations in Paragraph 5 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 5 of Applicant's Answer denying the allegations in Paragraph 5 of the Notice of Opposition," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 60:

All documents that relate to, support or negate Applicant's allegations in Paragraph 6 of Applicant's Answer denying the allegations in Paragraph 6 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60: Applicant objects to this

Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 6 of Applicant's Answer denying the allegations in Paragraph 6 of the Notice of Opposition," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 61:

All documents that relate to, support or negate Applicant's allegations in Paragraph 7 of Applicant's Answer denying that "[t]he registration of Applicant's POP OF CULTURE [M]ark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods and services offered under the POP OF CULTURE Mark, and/or to draw a false association, sponsorship, connection, affiliation, or endorsement with Opposer, the CulturePop.com website, and or the CULTUREPOP Intellectual Property."

RESPONSE TO REQUEST FOR PRODUCTION NO. 61: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 7 of Applicant's Answer," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 62:

All documents that relate to, support or negate Applicant's allegations in Paragraph 8 of Applicant's Answer denying that "Opposer will be damaged by the registration of the mark shown in the Application, in that such registration gives Applicant a *prima facie* exclusive right to the use of the POP OF CULTURE mark, despite the likelihood of confusion, mistake, and/or deception, and allows Applicant to trade on Opposer's existing goodwill in the CULTUREPOP mark, the CulturePop.com website, and the CULTUREPOP Intellectual Property."

RESPONSE TO REQUEST FOR PRODUCTION NO. 62: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 8 of Applicant's Answer," it is overly broad, unduly burdensome, oppressive, and

needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 63:

All documents that relate to, support or negate Applicant's denial in the Answer that "Opposer is entitled to any relief."

RESPONSE TO REQUEST FOR PRODUCTION NO. 63: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's denial in the Answer that 'Opposer is entitled to any relief,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 64:

All documents that relate to, support or negate Applicant's Affirmative Defense(s) as stated in Applicant's Answer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's Affirmative Defense(s) as stated in Applicant's Answer,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 65:

All documents that relate to, support or negate Applicant's alleged intellectual property rights in the POP OF CULTURE Marks, or any other marks including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's alleged

intellectual property rights in the POP OF CULTURE Marks, or any other marks including the terms POP or CULTURE,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 66:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture."

RESPONSE TO REQUEST FOR PRODUCTION NO. 66: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly,

Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 67:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "any variation between marks that contain both POP and CULTURE will be sufficient to avoid confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 67: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'any variation between marks that contain both POP and CULTURE will be sufficient to avoid confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 68:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks."

RESPONSE TO REQUEST FOR PRODUCTION NO. 68: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark 'is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE-formative marks,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 69:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the CULTUREPOP mark is entitled to, at best, a narrow scope of protection."

RESPONSE TO REQUEST FOR PRODUCTION NO. 69: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the

discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the CULTUREPOP mark is entitled to, at best, a narrow scope of protection,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 70:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 70: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected

by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 71:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "consumers are not likely to be confused as to the source of services offered under the respective marks."

RESPONSE TO REQUEST FOR PRODUCTION NO. 71: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'consumers are not likely to be confused as to the source of services offered under the respective marks,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 72:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the parties' core services represented by each mark are sufficiently

dissimilar to avoid confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 72: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 73:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the source of services offered under our POP OF CULTURE mark--E! Entertainment Television--will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 73: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the source of services offered under our POP OF CULTURE mark--E! Entertainment Television--will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 74:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP mark is "conceptually and commercially weak."

RESPONSE TO REQUEST FOR PRODUCTION NO. 74: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP mark is 'conceptually and commercially weak,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the

extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 75:

All documents evidencing, reflecting, or relating to any alleged additional federal registrations and/or pending applications owned by Applicant for marks related to, derived from, or including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 75: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 76:

All documents that relate to, support or negate Applicant's belief that it may sell or offer products or services under the names or trademarks POP OF CULTURE or any other trademark or name related to, derived from, or including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 76: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's belief that it may sell or offer products or services under the names or trademarks POP OF CULTURE or any other trademark or name related to, derived from, or including the terms POP or CULTURE,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 77:

All documents relating to any third party use on which Applicant intends to rely, including documents sufficient to show: the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. In addition, Applicant

objects to this Request to the extent it seeks the production of information and/or documents not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Finally, Applicant objects to this Request because, by seeking the production of "All documents relating to any third party use on which Applicant intends to rely,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked, Applicant will produce relevant, non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 78:

All royalty statements or other documents reflecting revenue earned or generated from the offering of services under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 18 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All royalty statements or other documents reflecting revenue earned or generated from the offering of services under the

POP OF CULTURE Marks,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 79:

All Nielsen ratings and market research for the services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 79: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 14 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All Nielsen ratings and market research for the services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 80:

All documents relating to any research of any kind concerning the viewership, recording, or popularity of the services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 14 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to any research of any kind concerning the viewership, recording, or popularity of the services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 81:

All documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices.

RESPONSE TO REQUEST FOR PRODUCTION NO. 81: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 10 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 82:

All documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 82: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

Dated: this 9th day of May, 2014.

LEWIS ROCA ROTHGERBER LLP

By: _____
Michael J. McCue
Jonathan W. Fountain
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
(Tel.) 702-949-8200
(Fax) 702-949-8398

Attorneys for Applicant
E! Entertainment Television, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 9th, 2014, I served a true and accurate copy of the foregoing document entitled, APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT, by first-class, United States mail, upon the following counsel for Opposer:

Jill M. Pietrini, Esq.
Whitney Walters, Esq.
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

/s/ Rebecca J. Contla
An employee of Lewis and Roca LLP

EXHIBIT H

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

OVATION, LLC, a Delaware limited liability company, Opposer, v. E! ENTERTAINMENT TELEVISION, LLC, a Delaware limited liability company, Applicant.	Opposition No. 91210506 Mark: POP OF CULTURE Serial No. 85/569798

APPLICANT'S OBJECTIONS AND RESPONSES TO
OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO
APPLICANT E! ENTERTAINMENT TELEVISION, LLC

Applicant E! Entertainment Television, LLC ("Applicant" and/or "E!") hereby objects and responds to Opposer's First Set of Request for Admission to Applicant (the "Requests"), as follows:

GENERAL OBJECTIONS

Applicant makes the following General Objections to the Requests. Each of these General Objections is incorporated into the Specific Objections and Responses set forth below, whether or not separately set forth therein.

1. Applicant objects to each Request as unduly burdensome and oppressive on the grounds that it purports to require Applicant to search Applicant's facilities and inquire of Applicant's employees other than those facilities and employees that would reasonably be expected to have responsive documents. Applicant's responses are based upon: (A) a reasonable search, given the time allocated to Applicant to respond to the Requests, of facilities and files that could reasonably be expected to contain responsive documents; and (B) inquiries of

Applicant's employees and/or representatives who could reasonably be expected to possess responsive documents. The subject matter of these Requests is under continuing investigation. Applicant will respond to these Requests with current knowledge and reserves the right to supplement these responses if any additional information is identified at a later time and to make any additional objections that may become apparent. Applicant expressly reserves the right to make any use of, or introduce at any hearing or at trial, any information not known of or thought to be responsive at the time of response.

2. Specific objections to each Request are made on an individual basis below. Applicant expressly incorporates each of the General Objections to each specific Response as if set forth in full therein. The Specific Objections are submitted without prejudice to, and without any waiver of, the General Objections not expressly set forth in the specific Response. The assertion of any objection to any Request is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert that or any other objection at a later date.

3. No incidental or implied admission is intended by any Response. Applicant's answer or objection to any Request should not be taken as an admission that Applicant accepts or admits the existence of any "facts" set forth or assumed by such Request. An answer to part or all of any Request is not intended to be, and shall not be construed to be, a waiver of any part of any objection to the Request.

4. Applicant objects to each Request, and their Definitions, to the extent that they purport to impose upon Applicant any obligations that differ from, or exceed, those required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Trademark Rules, the TBMP, and/or any other rules of the Board, any other applicable rules or law, or any of the parties' agreements.

5. Applicant objects to each Request to the extent that it seeks information that is

protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Any disclosure of such protected and privileged information is inadvertent and is not intended to waive those privileges or protections.

6. Applicant objects to each Request to the extent it seeks information that consist of or contain proprietary business information, trade secrets, or other confidential information. Applicant will not disclose any such information until a suitable Protective Order is entered in this case, or until the parties have reached an interim agreement regarding the treatment of confidential information.

7. Applicant objects to the Requests to the extent that they call for information that is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to the Requests to the extent that they seek information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

9. Applicant objects to the Requests to the extent that they are overbroad, unduly burdensome, oppressive or seek information that is beyond the scope of discovery under the Federal Rules of Civil Procedure or purport to require Applicant to search facilities or inquire of employees other than those facilities and employees that would reasonably be expected to have responsive information.

10. Applicant objects to the Requests to the extent that they seek disclosure of information protected by any right to privacy, under confidentiality obligations, or subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure or other confidentiality agreements entered into by Applicant.

11. Applicant objects to the Requests to the extent that they call for information not reasonably available to, or the identification of, documents not within the possession, custody, or control of Applicant. The responses given herein are based on information reasonably available to Applicant and the documents within Applicant's possession, custody, or control, including Applicant's knowledge of the same.

12. Applicant objects to each Request to the extent that it seeks information from a time period that is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Applicant objects to each Request to the extent that it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant will interpret the terms and phrases used in those Requests as those terms and phrases are understood to Applicant.

14. Applicant objects to each Request to the extent that it seeks specific categories of information relating to the activities of Applicant's customers and/or suppliers. In most instances, the requested information is not maintained by Applicant. Although it is possible that one or more Applicant's employees has some limited understanding of supplier and/or customer activities on an ad hoc basis, locating and gathering responsive information would be unduly burdensome. In the event the Requests seek information that is maintained in a reasonably accessible fashion and identifiable by Applicant, and the Requests are not objectionable on other grounds, Applicant will provide responsive information.

15. Applicant objects to each Request to the extent it seeks Applicant's contentions at this time and is thereby premature.

16. Applicant objects to Opposer's definition of "The POP OF CULTURE Application" and use of "E POP OF CULTURE Mark" because those phrases are vague,

ambiguous, and/or inaccurate. Applicant will respond to these Requests based on the information and documents reasonably available to Applicant.

17. Applicant objects to each Request to the extent it seeks information relating to activities beyond the scope of this case.

18. Applicant objects to each Request to the extent it does not identify the information it seeks with reasonable particularity.

19. Applicant objects to each Request to the extent it is inconsistent with any of the parties stipulations and/or agreements concerning the conduct of discovery in this proceeding.

20. Applicant objects to these Requests to the extent the burden or expense of answering any of these Requests outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the important of the issues at stake, and the importance of the Requests in resolving the issues.

SPECIFIC OBJECTIONS AND ANSWERS

REQUEST FOR ADMISSION NO. 1:

Opposer is a television network with programming devoted to art.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant admits that Opposer is a television

network. Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portion of this request.

REQUEST FOR ADMISSION NO. 2:

Opposer is a television network with programming devoted to culture.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant admits that Opposer is a television network. Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portion of this request.

REQUEST FOR ADMISSION NO. 3:

Opposer began using the CULTUREPOP Mark for website services at least as early as August 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from

a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 4:

The date of first use of the CULTUREPOP Mark precedes the filing date of the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 5:

The date of first use of the CULTUREPOP Mark precedes the filing date of the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 6:

Opposer developed common law rights in CULTUREPOP which predate the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this

request because, by seeking information regarding two trademark applications not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 7:

Opposer developed common law rights in CULTUREPOP which predate the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request because, by seeking information regarding two trademark applications not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers

and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Since the date of first use, Opposer has been using the CULTUREPOP Mark continuously in commerce for a variety of goods and services.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 9:

Opposer uses the CULTUREPOP Mark in connection with television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 10:

Opposer uses the CULTUREPOP Mark in connection with website services.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states Opposer is presently using the CULTUREPOP Mark on a website. Information that Applicant needs to answer the

remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 11:

Opposer uses the CULTUREPOP Mark for downloadable electronic publications.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 12:

Opposer has used the CULTUREPOP Mark in connection with television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 13:

Opposer has used the CULTUREPOP Mark in connection with website services.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not

within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 14:

Opposer has used the CULTUREPOP Mark for downloadable electronic publications in the nature of e-newsletters.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its

General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 15:

Opposer has used the CULTUREPOP Mark for guides in the field of arts.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 16:

Opposer has used the CULTUREPOP Mark for guides in the field of culture.

RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 17:

Opposer has used the CULTUREPOP Mark for guides in the field of entertainment.

RESPONSE TO REQUEST FOR ADMISSION NO. 17:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its

General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 18:

Opposer has used the CULTUREPOP Mark in connection with a website featuring information about arts.

RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which presently contains information about arts. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the

remaining portions of this request.

REQUEST FOR ADMISSION NO. 19:

Opposer has used the CULTUREPOP Mark in connection with a website featuring information about culture.

RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which presently contains information about culture. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 20:

Opposer has used the CULTUREPOP Mark in connection with providing non-

downloadable electronic publications (e.g., e-newsletters and guides in the field of arts featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 21:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (e.g., e-newsletters and guides in the field of culture featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from

a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 22:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (e.g., e-newsletters and guides in the field of entertainment featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its

General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 23:

Opposer has used the CULTUREPOP Mark in connection with creating blogs.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 24:

Opposer has used the CULTUREPOP Mark in connection with maintaining blogs.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 25:

Opposer has used the CULTUREPOP Mark for entertainment in the nature of television programs offered on websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 25:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were

deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 26:

Opposer has used the CULTUREPOP Mark for the production of television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 27:

Opposer has used the CULTUREPOP Mark for the distribution of television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 28:

Opposer has used the CULTUREPOP Mark for the production of entertainment events.

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers

and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 29:

Opposer has used the CULTUREPOP Mark for the distribution of entertainment events.

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 30:

Opposer has used the CULTUREPOP Mark for providing entertainment information

regarding television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 31:

Opposer has used the CULTUREPOP Mark for providing artists and performers information regarding television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 32:

Opposer has used the CULTUREPOP Mark for providing arts events information.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers

and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 33:

Opposer has used the CULTUREPOP Mark for providing newsworthy events information.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 34:

Opposer has used the CULTUREPOP Mark for providing information regarding television personalities.

RESPONSE TO REQUEST FOR ADMISSION NO. 34:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 35:

Opposer has used the CULTUREPOP Mark in connection with television programming services.

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not

within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 36:

Opposer has used the CULTUREPOP Mark for entertainment in the nature of television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 36:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit

or deny this request.

REQUEST FOR ADMISSION NO. 37:

Opposer has used the CULTUREPOP Mark in connection with cable television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 37:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 38:

Opposer has used the CULTUREPOP Mark in connection with satellite television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 38:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this

request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 39:

Opposer has used the CULTUREPOP Mark in connection with internet programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 39:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests

to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 40:

Opposer has used the CULTUREPOP Mark in connection with multimedia programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 40:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 41:

Opposer has used the CULTUREPOP Mark in connection with programming via wireless networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 41:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which can be accessed through wireless networks. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 42:

Opposer has used the CULTUREPOP Mark in connection with programming via mobile networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 42:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which can be accessed via mobile networks. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 43:

Opposer has used the CULTUREPOP Mark in connection with providing online journals, namely, blogs in the field of entertainment.

RESPONSE TO REQUEST FOR ADMISSION NO. 43:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this

request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 44:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via the internet.

RESPONSE TO REQUEST FOR ADMISSION NO. 44:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which contains information and news.

Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 45:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via mobile networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 45:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which can be accessed through mobile networks. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is

pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 46:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via wireless networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 46:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which can be accessed through wireless networks. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or

readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 47:

Opposer promotes the CULTUREPOP Mark on-air.

RESPONSE TO REQUEST FOR ADMISSION NO. 47:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 48:

Opposer promotes the CULTUREPOP Mark on the Ovation television channel.

RESPONSE TO REQUEST FOR ADMISSION NO. 48:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from

a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 49:

Opposer promotes the CULTUREPOP Mark through websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 49:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant

was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 50:

Opposer promotes the CULTUREPOP Mark through social media.

RESPONSE TO REQUEST FOR ADMISSION NO. 50:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which contains links to Facebook and twitter. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the

remaining portions of this request.

REQUEST FOR ADMISSION NO. 51:

Opposer promotes the CULTUREPOP Mark through word of mouth.

RESPONSE TO REQUEST FOR ADMISSION NO. 51:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 52:

Opposer has promoted the CULTUREPOP Mark on-air.

RESPONSE TO REQUEST FOR ADMISSION NO. 52:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to

this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 53:

Opposer has promoted the CULTUREPOP Mark on the Ovation television channel.

RESPONSE TO REQUEST FOR ADMISSION NO. 53:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit

or deny this request.

REQUEST FOR ADMISSION NO. 54:

Opposer has promoted the CULTUREPOP Mark through websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 54:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 55:

Opposer has promoted the CULTUREPOP Mark through social media.

RESPONSE TO REQUEST FOR ADMISSION NO. 55:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which contains links to Facebook and twitter. Information that Applicant needs to answer the remaining portion of this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 56:

Opposer has promoted the CULTUREPOP Mark through word of mouth.

RESPONSE TO REQUEST FOR ADMISSION NO. 56:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not

within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 57:

The Ovation television channel has received media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 57:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 58:

The Ovation television channel has received significant media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 58:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 59:

The CulturePop.com website has received media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 59:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not

within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 60:

The CulturePop.com website has received significant media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 60:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 61:

August 2010 predates Applicant's selection the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 61:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 62:

August 2010 predates Applicant's selection the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 62:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 63:

August 2010 predates Applicant's first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 63:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE

Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 64:

August 2010 predates Applicant's first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 64:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 65:

August 2010 predates the date that the E POP OF CULTURE Application was filed.

RESPONSE TO REQUEST FOR ADMISSION NO. 65:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request because the term "E POP OF CULTURE Application" is undefined, vague, and/or ambiguous.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states: Applicant admits

that August 2010 predates May 20, 2013, the date on which Application Serial Nos. 85/937/423 and 85/937/399 were filed for the E POP OF CULTURE mark. Applicant admits that August 2010 predates March 14, 2012, the date on which Application Serial No. 85/569,798 was filed for the POP OF CULTURE mark.

REQUEST FOR ADMISSION NO. 66:

August 2010 predates the date that the E POP OF CULTURE Applications were filed.

RESPONSE TO REQUEST FOR ADMISSION NO. 66:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states: Applicant admits that August 2010 predates May 20, 2013, the date on which Application Serial Nos. 85/937/423 and 85/937/399 were filed for the E POP OF CULTURE mark.

REQUEST FOR ADMISSION NO. 67:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 67:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 68:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 68:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 69:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 69:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 70:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 70:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 71:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 71:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 72:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 72:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this

request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 73:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 73:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 74:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 74:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 75:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 75:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 76:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 76:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 77:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 77:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 78:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 78:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 79:

Opposer's trademark CULTUREPOP is famous.

RESPONSE TO REQUEST FOR ADMISSION NO. 79:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and

responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 80:

Opposer's trademark CULTUREPOP is well-known.

RESPONSE TO REQUEST FOR ADMISSION NO. 80:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 81:

Opposer has built up a valuable goodwill in connection with its CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 81:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 82:

The channels of trade of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 82:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were

deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 83:

The channels of trade of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 83:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily

obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 84:

The channels of marketing of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 84:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 85:

The channels of marketing of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 85:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 86:

The targeted demographic of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 86:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding

trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 87:

The targeted demographic of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 87:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession,

custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 88:

The nature of the content associated with the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 88:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to

the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 89:

The nature of the content associated with the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 89:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 90:

The E POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 90:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 91:

The E POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 91:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 92:

The E POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 92:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant also objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 93:

The E POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 93:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 94:

The E POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 94:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding

trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 95:

The E POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 95:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession,

custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 96:

The E POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 96:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 97:

The E POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 97:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 98:

Applicant is aware of the existence of instances of actual confusion between the E POP OF CULTURE Mark and the CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 98:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 99:

Applicant is aware of the existence of actual confusion between the E POP OF CULTURE Mark and the CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 99:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

admissible evidence.

REQUEST FOR ADMISSION NO. 100:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the goods set forth in the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 100:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark" and "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 101:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the services set forth in the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 101:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark" and "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 102:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the goods set forth in the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 102:

Applicant objects to this request because it is duplicative of Request No. 100. Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 103:

Applicant has not used the E POP OF CULTURE Mark in connection with all of services set forth in the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 103:

Applicant objects to this request because it is duplicative of Request No. 101. Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 104:

Applicant conducted a trademark search for the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 104:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks

information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 105:

Applicant conducted a trademark search for the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 105:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 106:

Opposer and Applicant have no written agreement with each other of any kind.

RESPONSE TO REQUEST FOR ADMISSION NO. 106:

Applicant objects to this request because, by seeking information regarding any agreement of any kind, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states: Denied. The parties have entered into written agreements regarding extensions of time in connection with this proceeding.

REQUEST FOR ADMISSION NO. 107:

Opposer and Applicant have no oral agreement with each other of any kind.

RESPONSE TO REQUEST FOR ADMISSION NO. 107:

Applicant objects to this request because, by seeking information regarding any agreement of any kind, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states: Denied. The parties have entered oral agreements regarding extensions of time in connection with this proceeding.

REQUEST FOR ADMISSION NO. 108:

Opposer did not authorize Applicant to use the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 108:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant also objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request as assuming that Applicant required Opposer's authorization to use E POP Of CULTURE mark and/or that Applicant has in fact used the E POP OF CULTURE mark. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

REQUEST FOR ADMISSION NO. 109:

Opposer did not authorize Applicant to use the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 109:

Applicant objects to this request because it is duplicative of the previous request.

Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request as assuming that Applicant required Opposer's authorization to use E POP Of CULTURE mark and/or that Applicant has in fact used the E POP OF CULTURE mark. Moreover, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

REQUEST FOR ADMISSION NO. 110:

Opposer did not authorize Applicant to use Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 110:

Applicant objects to this request because, by seeking information regarding a mark that Applicant did not use, this request is overbroad, misleading, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 111:

The E POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 111:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks

information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 112:

The E POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 112:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 113:

The E POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 113:

Applicant objects to this request because it is duplicative of Request No. 111. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 114:

The E POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 114:

Applicant objects to this request because it is duplicative of Request No. 112. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 115:

The CULTUREPOP mark is not descriptive of the services offered by Opposer under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 115:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Information that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board. Accordingly, subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what it is being asked, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily

obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 116:

The U.S. Patent and Trademark Office did not refuse registration of the CULTUREPOP mark based on descriptiveness.

RESPONSE TO REQUEST FOR ADMISSION NO. 116:

Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

REQUEST FOR ADMISSION NO. 117:

Opposer did not claim the benefit of Section 2(f) of the Lanham Act in seeking registration of the CULTUREPOP mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 117:

Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further

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objects to this interrogatory to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Dated: this 9th day of May, 2014.

LEWIS ROCA ROTHGERBER LLP

By: _____

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(Fax) 702-949-8398

Attorneys for Applicant
E! Entertainment Television, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2014, I served a true and accurate copy of the foregoing document entitled, APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC, by first-class, United States mail, upon the following counsel for Opposer:

Jill M. Pietrini, Esq.
Whitney Walters, Esq.
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

/s/ Rebecca J. Contla
An employee of Lewis and Roca LLP

EXHIBIT I

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July 1, 2014

File Number: 17BD-179066

VIA EMAIL AND CONFIRMATION BY MAIL

Michael J. McCue, Esq.
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Re: *Ovation LLC v. E! Entertainment Television, LLC* – Opposition No. 91-210506

Dear Michael:

We write to address Applicant E! Entertainment Television, LLC's ("Applicant") deficient responses to Opposer Ovation LLC's ("Opposer") First Sets of Requests for Production of Documents ("RFPs"), First Set of Interrogatories ("Interrogatories") and First Set of Requests for Admission ("RFAs"). This letter is an effort to meet and confer over the deficiencies noticed herein pursuant to 37 C.F.R. § 2.120(e)(1) and TBMP §§ 523 and 524.

Opposer's letter is not, and should not be construed as, a waiver of its position set forth in Whitney Walter's prior correspondence of April 29, 2014, namely, that Applicant failed to timely respond to Opposer's discovery requests and, consequently, waived all objections thereto. Notably, in his letter of May 8, 2014, Mr. Fountain does not cite any authority establishing that the filing of a motion for an extension of time suffices to extend a party's deadline to respond to discovery requests. Instead, the authority cited by Mr. Fountain expressly states that such time may only be extended by "stipulation of the parties, or upon motion **granted** by the Board, or by **order** of the Board." 37 C.F.R. § 2.120(a)(3) (emphasis added). Similarly, the Board's order suspending this matter pending disposition of Applicant's motion to compel expressly provided that "[n]either the filing of the motion to compel nor this suspension order tolls the time for parties to make required discovery disclosures, or to respond to any outstanding discovery requests which had been served prior to the filing of the motion to compel." [Docket No. 15.] Accordingly, Applicant's responses of May 9, 2014 to Opposer's Interrogatories and RFPs are deficient for their numerous objections and Opposer reasserts its demand that Applicant serve responses without objections. Any objections that Applicant had were waived. Also, Opposer's RFAs are deemed admitted for Applicant's failure to timely respond to them. *See* Fed.R.Civ.P. 36(a)(3). Should it become necessary for Opposer to file a motion to compel, Opposer will request that the Board compel Applicant to respond to Opposer's RFPs and Interrogatories without objection.

Subject to the foregoing, Opposer notes the following deficiencies. As you know, and as stated above, Applicant's full and complete discovery responses are not excused or suspended as a result of Applicant filing a motion to compel against Opposer.

Opposer's First Set of Interrogatories

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Opposer's Interrogatories request information related to Applicant's E POP OF CULTURE mark and applications, which Applicant objects to on the ground that this information is not at issue in this proceeding. This objection is without merit. On information and belief, Applicant frequently, if not always, uses its POP OF CULTURE and E POP OF CULTURE marks (collectively, the "POP OF CULTURE Marks") together, such that Applicant's use of the E POP OF CULTURE mark is clearly relevant to the likelihood of confusion. Also, E POP OF CULTURE is identical to Applicant's POP OF CULTURE mark except for its inclusion of Applicant's house mark, E. Applicant's E POP OF CULTURE applications identify the same services identified in its POP OF CULTURE application. Accordingly, Applicant must supplement its responses to each Interrogatory seeking information related to the E POP OF CULTURE mark to provide such information.[1]

Interrogatory Nos. 2-20

These Interrogatories request Applicant to, respectively:

- state the date that its POP OF CULTURE Marks were first used anywhere and first used in interstate commerce on or in connection with each good and service offered under the POP OF CULTURE Marks;
- state the date of first sale anywhere of each good and service offered under the POP OF CULTURE Marks;
- describe the channels of trade in which these goods and services are sold, provided, or offered;
- describe the demographic markets to which these goods and services are sold, provided, or offered;
- describe how the POP OF CULTURE Marks appear on these goods and services;
- state the date Applicant selected and/or adopted the POP OF CULTURE Marks;

[1] For the same reasons, Applicant must produce documents responsive to RFPs requesting information relating to the E POP OF CULTURE mark and application, and Applicant must supplement its responses to RFA Nos. 62, 64, 66, 68, 70, 72, 74, 76, 78, 91, 93, 97, 99, 102-103, 105, 109, and 113-114.

- identify all persons who were involved or participated in the selection or adoption of the POP OF CULTURE Marks;

- state all facts related to Applicant's awareness or knowledge of Opposer's use of the CULTUREPOP mark, the CulturePop.com website, or Opposer's services offered under the CULTUREPOP mark, at the time Applicant selected and/or adopted, or filed applications for, its POP OF CULTURE Marks;

- state all facts related to whether Applicant has ever conducted a trademark search relating to the POP OF CULTURE Marks, and whether Opposer or its CULTUREPOP mark were revealed therein;

- describe the method of marketing, promotion, and advertising for the goods and services offered under the POP OF CULTURE Marks;

- state the annual and total amount spent by Applicant for advertising, promoting, or marketing the goods and services offered the POP OF CULTURE Marks;

- identify and describe any marketing, promotion, or advertising of Applicant's directed towards any particular group for the goods and services offered under the POP OF CULTURE Marks;

- identify and describe any unfavorable comments or criticism about the goods and services offered under the POP OF CULTURE Marks;

- identify and describe all instances in which Applicant received inquiries from persons as to its relationship with Opposer or the goods or marks offered by the parties;

- identify all surveys or other market research relating to the POP OF CULTURE Marks, the CULTUREPOP mark, the CulturePop.com website, or Opposer;

- identify all media used by Applicant to publish advertisements featuring the POP OF CULTURE Marks or the goods and services offered thereunder;

- identify and describe all contracts, participation agreements, syndication agreements, etc . . . between Applicant and third parties relating to any of the POP OF CULTURE Marks or the goods and services offered thereunder;

- identify and describe all cross-marketing agreements, website linking agreements, etc . . . between Applicant and third parties relating to any of the POP OF CULTURE Marks or the goods and services offered thereunder; and

- identify all keywords, Adwords, or search terms purchased or bird on for the goods and services offered under the POP OF CULTURE Marks.

After reciting boilerplate objections, Opposer states that it is "continuing to gather" the responsive information on the grounds that the Interrogatories are "overly broad and burdensome" and the "Opposer-created delay associated with matters raised in Applicant's pending motion to compel discovery." Neither of these grounds exonerates Applicant's failure to sufficiently respond to this Interrogatories. First, the Interrogatories are not overly broad or burdensome, but seek information relevant to the application of the *DuPont* factors and limited to the goods and services identified in Applicant's applications. Second, Applicant cannot point to any alleged delay on the part of Opposer that is remotely relevant to Applicant's ability to provide the information requested in these Interrogatories. This information is solely in Applicant's control, and Applicant has had since January 24, 2014 to obtain this information. Third, Applicant's identical answers to these Interrogatories (clearly an exercise in "copy and paste," as reflected in the error on p. 15) and promises to supplement its responses – which remain unfulfilled – are further evidence of Applicant's gamesmanship and refusal to meaningfully participate in discovery in contravention of TBMP § 408.02: "A party served with a request for discovery has a duty to thoroughly search its records for all information properly sought in the request, and to provide such information to the requesting party within the time allowed for responding to the request."

Further, with respect to Interrogatory No. 20, Applicant contends that information relating to Adwords or search terms bid on by Applicant for the goods and services offered under its POP OF CULTURE Marks are irrelevant. Applicant is incorrect. The terms and words Applicant bid on in order to optimize search engine results reflect, among other things, how Applicant intends or is likely to promote its POP OF CULTURE Marks and the goods and services offered thereunder. This is relevant to Applicant's willfulness, the extent of potential confusion, and other *DuPont* factors .

Applicant must supplement its response to these Interrogatories immediately.

Interrogatory No. 21

This Interrogatory requests that Applicant state all facts relating to, supporting, or negating its allegations in paragraph 7 of its Answer. It is not clear on which basis or bases Applicant refuses to respond to this Interrogatory. Regardless, its refusal is without merit. First, even if Opposer's Interrogatories exceeded 75 subparts (they do not), Applicant has waived this objection for its failure to comply with the procedure delimited by the Board for asserting this objection. *See* 37 C.F.R. § 2.120(d)(1) ("If a party upon which interrogatories have been served believes that the number of interrogatories served exceeds the limitation specified in this paragraph, and is not willing to waive this basis for objection, the party shall, within the time for (and instead of) serving answers and specific objections to the interrogatories, serve a general objection on the ground of their excessive number.") Second, Applicant cannot refuse to respond to this Interrogatory on the grounds that it seeks its "contentions at this time and is thereby premature." Instead, the burden is on Applicant to supplement its response, pursuant to Fed.R.Civ.P. 26(e)(1), when and if the facts on which it grounds its allegations become incomplete or incorrect. Third, Applicant cannot reasonably contend that this Interrogatory, which seeks Applicant's basis for denying allegations made by Opposer, seeks information not

known to Applicant or within its possession, custody, or control. Applicant must supplement its response to this Interrogatory immediately.

Interrogatory Nos. 23-24 and 27-30

These Interrogatories request that Applicant state all facts relating to, supporting, or negating certain contentions it made in its May 18, 2012 letter. Many of Applicant's objections are without merit for reasons noted above. Also, Applicant cannot reasonably contend that there is any ambiguity as to the May 18, 2012 correspondence that is the subject of these Interrogatories or the quoted language which reflect Applicant's own words. Finally, Opposer is entitled to Applicant's identification of all third party marks it intends to rely on in this proceeding. Applicant must supplement its responses to these Interrogatories immediately.[2]

Interrogatory No. 25

This Interrogatory requests that Applicant state all facts relating to, supporting, or negating the one affirmative defense it asserted in its Answer. As explained above, Applicant's boilerplate objections are without merit and Applicant has no basis for refusing to respond to this Interrogatory. In fact, Applicant's total, unsupported refusal to respond to this Interrogatory is indicative of Applicant's wholesale refusal to respond meaningfully to Opposer's discovery requests. Applicant must supplement its response to this Interrogatory immediately.

Interrogatory Nos. 31 and 33

These Interrogatories request, respectively, that Applicant state its total revenue generated from goods and services offered under the POP OF CULTURE Marks, and its total number of units manufactured of any such good. None of Applicant's boilerplate objections holds water. Also, Applicant cannot claim that any alleged burdensomeness of gathering this information outweighs its clear and undisputed relevance to the parties' claims and defenses. *See* TBMP § 414(18). Applicant must supplement its response to this Interrogatory immediately.

Interrogatory No. 32

This Interrogatory requests that Applicant identify all persons who provided information for its responses to Opposer's discovery requests. Applicant's objections are patently unreasonable and, again, its refusal to respond to this Interrogatory is indicative of Applicant's wholesale refusal to respond meaningfully to Opposer's discovery requests. Applicant must supplement its response to this Interrogatory immediately.

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[2] For the same reasons, Applicant must produce documents responsive to RFP Nos. 66-74.

Opposer's First Set of RFPs

Passim

In many of its responses to Opposer's RFPs, Applicant agrees to produce "relevant" responsive documents. Applicant, however, is not entitled to unilaterally determine which of the responsive documents in its possession, custody, or control are reasonably calculated to lead to the discovery of admissible evidence, particularly absent any specific objections as to the relevance of the information sought by the RFPs. Accordingly, Applicant must confirm that it will produce all responsive documents, regardless of its unilateral determination of relevance.

Also, as part of its uniform response to Opposer's RFPs, Applicant agrees to produce documents "to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search." TBMP § 408.02 holds that "a proper written response . . . requires the responding party to state that there are responsive documents and that either they will be produced or will be withheld on a claim of privilege; to state an objection with appropriate reasons; or to state that no responsive documents exist." Applicant's boilerplate response quoted above does not comply with the requirements of TBMP § 408.02. Accordingly, Applicant must supplement its responses to indicate, as reasonable, whether responsive documents exist.

RFP No. 34

This RFP requests Applicant's production of "[a]ll organizational charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors." Applicant refuses to produce responsive documents to this RFP on the grounds that it seeks irrelevant documents. Opposer disagrees with Applicant's position. Nevertheless, as a reasonable compromise, Applicant must, at least, produce documents identifying the names of its officers. *See* TBMP § 414(12).

RFP No. 37

This RFP requests "[a]ll contracts between Applicant, on the one hand, and its (a) distributors of, (b) manufacturers of, (c) providers/suppliers of, and/or (d) retailers for products offered under the POP OF CULTURE Marks, on the other hand." Applicant refuses to produce responsive documents to this RFP on the grounds that it seeks irrelevant documents. Opposer disagrees with Applicant's position. However, as a reasonable compromise, Applicant must, at least, produce documents identifying any such distributors, manufacturers, providers/suppliers, and retailers.

RFP Nos. 38-40

These RFPs request Applicant's production of certain contracts relevant to Applicant's use of the POP OF CULTURE Marks and sale of goods and services offered thereunder. Applicant has refused to produce these contracts. Not only are Applicant's refusals without merit, they are contradicted by Applicant's agreement to produce documents responsive to RFP

No. 47, i.e., "[a]ll documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's responses to Opposer's First Set of Interrogatories to Applicant." Because Applicant has agreed to identify most, if not all, of these contracts in response to Opposer's Interrogatories, it must also produce these contracts – or, at least, the documents which Applicant relied on to identify these contracts – pursuant to RFP No. 47.

RFP No. 41

This RFP requests "[a]ll documents evidencing, reflecting, or relating to any complaints by third parties regarding any of the POP OF CULTURE Goods and Services." Applicant refuses to produce responsive documents to this RFP on the grounds that it seeks irrelevant documents and seeks documents that are publicly available. Neither objection has merit. First, documents reflecting complaints about Applicant's goods and services offered under the POP OF CULTURE Marks speak directly to the potential harm and damage to Opposer caused by Applicant's adoption, use, and registration of a confusingly similar mark. Second, whether a document is publicly available is not a basis for withholding it from production, particularly where Applicant, as is the case here, has not identified how and where such documents may be accessed and reviewed by Opposer. Accordingly, Applicant must produce responsive documents to this RFP and supplement its written response to indicate the same.

RFP No. 42

This RFP requests "[a]ll emails, letters, notes or other communications to or form Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE." Applicant refuses to produce responsive documents to this RFP on the grounds that it seeks irrelevant documents. This objection lacks merit. Opposer does not know of, and Applicant has not identified, any reason Applicant would receive or send correspondence relating to Opposer other than to discuss the parties' marks and any likelihood of confusion resulting therefrom. Additionally, correspondence relating to marks including the terms POP or CULTURE is relevant to, among other things, the strength of the parties' marks and Applicant's knowledge of Opposer's mark or third parties' marks at the time it adopted, used, and/or applied for registration of its mark. Accordingly, Applicant must produce responsive documents to this RFP and supplement its written response to indicate the same.

RFP No. 44

This RFP requests "[a]ll documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks consisting of or including the terms POP or CULTURE." Applicant refuses to produce responsive documents to this RFP on the grounds that it seeks irrelevant documents. This objection lacks merit. The parties' dispute centers around their use and registration of marks that make use of both POP and CULTURE, and Applicant's knowledge of Opposer's use, intent to register, or registration of either of these marks is relevant to its knowledge of Opposer's prior rights at the time it selected, used, and/or applied to register the POP OF CULTURE Marks.

Applicant must produce responsive documents to this RFP and supplement its written response to indicate the same.

RFP Nos. 52 and 79-80

RFP No. 52 requests "[a]ll documents relating to traffic, including the number of visitors and number of 'hits' to any website operated or owned by Applicant, that displayed or featured or currently displays or features the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services." This information is not irrelevant, but instead is plainly relevant to Applicant's use of the POP OF CULTURE Marks in commerce, the prominence thereof, and the public's awareness of the marks. Without this information, Opposer is not able to assess whether Applicant's use of the POP OF CULTURE Marks in domain names or on websites actually constitutes an advertisement seen and considered by consumers or simply exists in the internet ether.

Likewise, RFP Nos. 79-80 – which request, respectively, "[a]ll Nielsen ratings and market research for the services offered under the POP OF CULTURE Marks" and "[a]ll documents relating to any research of any kind concerning the viewership, recording, or popularity of the services offered under the POP OF CULTURE Marks" – seek relevant documents. These documents are probative of Applicant's use of the POP OF CULTURE Marks in commerce, the prominence thereof, and the public's awareness of the mark. Without this information, Opposer is not able to assess whether Applicant's POP OF CULTURE marks are commercially strong, which is obviously relevant to Applicant's right – if any – to exclude others from use of its marks on its goods and services, as well as other *DuPont* factors.

Accordingly, Applicant must produce responsive documents to these RFPs and supplement its written responses to indicate the same.

RFP Nos. 58-65 and 76

These RFPs request Applicant's production of documents relating to, supporting, or negating certain of Applicant's allegations made in its Answer and other of its allegations fundamental to the parties' dispute, i.e., its alleged rights to use and register the POP OF CULTURE Marks. Under no circumstances can Applicant colorably argue that these documents – which are specifically pegged to the parties' pleadings – are irrelevant. Applicant must produce responsive documents to these RFPs and supplement its written responses to indicate the same.

RFP No. 75

This RFP requests "[a]ll documents evidencing, reflecting, or relating to any alleged additional federal registrations and/or pending applications owned by Applicant for marks related to, derived from, or including the terms POP or CULTURE." Applicant refuses to produce responsive documents to this RFP on the grounds that it seeks irrelevant documents. This objection lacks merit. The parties' dispute centers around their use and registration of marks that make use of both POP and CULTURE, and Applicant's filing of applications, if any,

to register other marks using the term POP or CULTURE is relevant to its rights in either or both terms. Accordingly, Applicant must produce responsive documents to this RFP and supplement its written response to indicate the same.

RFP Nos. 78 and 82

These RFPs request, respectively, "[a]ll royalty statements or other documents reflecting revenue earned or generated from the offering of services under the POP OF CULTURE Marks" and "[a]ll documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE Marks." Applicant objects to these RFPs on the grounds they seek irrelevant documents. Applicant's objection is again meritless. It is well established that a party is entitled to discover revenue earned by another party under its mark at issue. *See* TBMP 414(18). Therefore, Applicant must produce responsive documents to these RFPs and supplement its written responses to indicate the same.

RFP No. 81

This RFP requests "[a]ll documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices." Applicant's objection that this information is irrelevant is without basis. As Applicant tacitly admits later in its response, such information is relevant to the services offered by Applicant under its marks at issue, as well as the channels of trade in which such services are offered. Accordingly, Applicant must produce responsive documents to this RFP and supplement its written response to indicate the same.

Opposer's First Set of RFAs

Passim

Applicant objects to many of Opposer's RFAs on the grounds that "[they] seek[] information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source." This is not a valid objection and Applicant may not rely on it to avoid responding to RFAs. Applicant misunderstands the purpose of RFAs, which are not meant to elicit information, but admissions as to the truth of facts, the application of law to fact, and opinions about either, and the genuineness of documents. *See* Fed.R.Civ.P. 36(a)(1). The only source from which Opposer can obtain Applicant's admission is Applicant. Applicant must withdraw this objection and provide any responses withheld on that basis.

RFA Nos. 3-43, 45-48, 51-53, 56-60, 79-81, 83, 85, 87, 89, 95, 97, and 115

In response to each of these RFAs, Applicant states that "[i]nformation that Applicant needs to answer this request was sought through Applicant's discovery requests to Opposer; Opposer's answers and responses to those requests were deficient; and Applicant was forced to seek a motion to compel, which is pending before the Board." On that basis, Applicant claims that it is unable to admit or deny these RFAs. Opposer finds it hard to believe that information already in Applicant's possession, custody, or control does not allow it to admit or deny the

RFAs. In any event, Opposer reminds Applicant of its obligation to supplement its responses pursuant to Fed.R.Civ.P. 26(e)(1) when and if information disclosed by Opposer allows Applicant to admit or deny these RFAs.

RFA Nos. 61, 63, 65, 67, 69, 71, 73, 75, 77, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100-101, 104, 108, and 111-112

These RFAs include a typographical error. Opposer mistakenly wrote "E POP OF CULTURE" when, in fact, it intended to propound RFAs regarding "POP OF CULTURE." In lieu of Opposer propounding additional RFAs on Applicant after its motion to compel is decided, Opposer requests that Applicant provide supplemental responses by July 15, 2014 to the corrected RFAs provided as **Exhibit A** hereto.

RFA Nos. 106-107

These RFAs request Applicant's admission that it and Opposer have no written or oral agreements with each other of any kind. Applicant has denied these RFAs on the grounds that "[t]he parties have entered into written agreements requiring extensions of time in connection with this proceeding." Applicant's responses are willfully evasive and asserted to frustrate the obvious intent of Opposer's RFAs, which relates to pre-litigation agreements between the parties, not agreements of the parties' respective counsels in the course of, and related to, these proceedings. Applicant must supplement its responses to these RFAs immediately.

RFA Nos. 109-110

These RFAs request Applicant's admission that Opposer did not authorize Applicant to use the E POP OF CULTURE mark or the CULTUREPOP mark. Applicant's refusal to respond to these RFAs is without justification. Both RFAs are clearly relevant to the tenth *Du Pont* factor, which relates to the market interface between the two parties. If Applicant believes this factor is immaterial to the likelihood of confusion analysis, it may make this argument to the Board. However, such an argument does not suffice as an objection. Applicant must supplement it responses to these RFAs immediately.

RFA Nos. 116-117

These RFAs request Applicant's admission that (1) the U.S. Patent & Trademark Office did not refuse registration of the CULTUREPOP mark based on descriptiveness and (2) Opposer did not claim the benefit of Section 2(f) of the Lanham Act in seeking registration of the CULTUREPOP mark. None of Applicant's boilerplate objections provides a basis for its refusal to respond. As noted above, Applicant's objection that the RFAs seek publicly available information is improper. Also, it seems unlikely that Applicant does not possess, control, or have custody of information allowing it to respond to these RFAs. In any event, Applicant cannot refuse to respond to a RFA on this basis but must instead – pursuant to Fed.R.Civ.P. 36(a)(4) – "state[] that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny." Applicant must supplement its responses to these RFAs immediately.

Please let me know by July 8, 2014 when you are available to meet and confer over the telephone regarding the deficiencies noted above.

Very truly yours,

Paul A. Bost

Paul A. Bost
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Enclosure

SMRH:425832457.1
cc: Jill M. Pietrini, Esq.

EXHIBIT A

Docket No. 17BD-179066

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

In re Matter of Application No. 85/569,798 for the mark: POP OF CULTURE Ovation LLC, Opposer, vs. E! Entertainment Television, LLC, Applicant.	Opposition No. 91-210506 **OPPOSER'S CORRECTED REQUESTS FOR ADMISSION NOS. 61, 63, 65, 67, 69, 71, 73, 75, 77, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100-101, 104, 108, and 111-112**

REQUEST FOR ADMISSION NO. 61:

August 2010 predates Applicant's selection the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 63:

August 2010 predates Applicant's first use of the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 65:

August 2010 predates the date that the POP OF CULTURE Application was filed.

REQUEST FOR ADMISSION NO. 67:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 69:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 71:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 73:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 75:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 77:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 82:

The channels of trade of the CULTUREPOP Mark and the POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 84:

The channels of marketing of the CULTUREPOP Mark and the POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 86:

The targeted demographic of the CULTUREPOP Mark and the POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 88:

The nature of the content associated with the CULTUREPOP Mark and the POP OF CULTURE Mark are similar.

REQUEST FOR ADMISSION NO. 90:

The POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 92:

The POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 94:

The POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 96:

The POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 98:

Applicant is aware of the existence of instances of actual confusion between the POP OF CULTURE Mark and the CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 100:

Applicant has not used the POP OF CULTURE Mark in connection with all of the goods set forth in the POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 101:

Applicant has not used the POP OF CULTURE Mark in connection with all of the services set forth in the POP OF CULTURE Application.

REQUEST FOR ADMISSION NO. 104:

Applicant conducted a trademark search for the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 108:

Opposer did not authorize Applicant to use the POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 111:

The POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

REQUEST FOR ADMISSION NO. 112:

The POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

EXHIBIT J

LEWIS ROCA ROTHGERBER

Lewis Roca Rothgerber LLP
3993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169-5996

Jonathan W. Fountain, Of Counsel
Admitted in: Nevada and Michigan
Direct Dial: 702 949.8340 | JFountain@LRRLaw.com
Direct Fax: 702 949.8374

Our File Number: 149934-05025

July 8, 2014

VIA EMAIL AND U.S. MAIL

Paul A. Bost
Sheppard, Mullin, Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6055
E-mail: pbost@sheppardmullin.com

Re: Ovation LLC v. E! Entertainment Television, LLC – Opposition No. 91-210506

Dear Mr. Bost:

We write in response to your July 1, 2014 letter regarding E! Entertainment Television LLC's ("E! Entertainment's") objections and responses to Ovation LLC's ("Ovation's") discovery requests. We do not attempt to respond to every single point made in your letter and the fact that we have not done so at this time shall not be a waiver of any objection or argument to any issue set forth in your letter. E! Entertainment expressly reserves all of its rights. That being said, we will address four principal points at this time.

First, we disagree with your position that E! Entertainment has waived its objections and responses to Ovation's discovery requests. E! Entertainment timely sought a modest extension of time based on upon Ovation's substantial delay in responding to E! Entertainment's request to meet-and-confer over Ovation's grossly deficient discovery responses and failure to produce documents. The timeliness of E! Entertainment's objections and responses, therefore, is before the Board. However, rather than re-hash this point, we will refer you back to our position and legal authorities set forth in our May 8, 2014 letter.

Second, your letter demands that E! Entertainment review its objections and responses to approximately 30 interrogatories, 24 requests for production, and 69 requests for admissions, and that E! Entertainment serve amended and/or supplemental responses "immediately." This demand is unreasonable on its face given the vague and burdensome nature of Ovation's requests, Ovation's failure to identify the requested information and documents with reasonable particularity, and the sheer number of requests involved. However, as set forth below, E! Entertainment is working on preparing amended and/or supplemental responses.

Third, to the extent your letter was accompanied by 24 brand new requests for admissions and demands that E! Entertainment serve written responses to those requests 14 days later (*i.e.*, by July 15), E! Entertainment respectfully declines. This proceeding was

suspended by order of the Board on May 2, 2014. (Dkt. No. 15.) The Board's suspension order states that: "[n]either the filing of the motion to compel nor this suspension order tolls the time for parties to make required discovery disclosures, or to respond to any outstanding discovery requests which had been served prior to the filing of the motion to compel." (*Id.*) (Emphasis added.) Ovation's 24 brand new requests for admissions were not served prior to the May 2, 2014, suspension order. Accordingly, because proceedings are suspended, E! Entertainment is under no obligation to respond to them. While we recognize that Ovation may take the position that these are not "new" requests for admissions, but merely corrections of prior requests that contain typographical errors, E! Entertainment disagrees since the 24 brand new requests for admissions seek materially different admissions. Should Ovation wish to reserve these requests after proceedings resume, E! Entertainment will provide written objections and responses within the time provided by the Federal Rules of Civil Procedure and the Trademark Rules.

Fourth, your July 1 letter demands that E! Entertainment notify you by July 8 whether it is willing to meet and confer. We find it exceptionally ironic that Ovation is demanding that E! Entertainment agree to meet-and-confer on 6 days' notice when Ovation never, ever, responded to E! Entertainment's multiple requests to meet-and-confer regarding Ovation's seriously deficient responses to E! Entertainment's discovery requests. Nevertheless, without waiving any objection, as mentioned above, E! Entertainment is working on providing amended and/or supplemental responses and intends to serve them by July 11, 2014. After service of the amended and/or supplemental responses, we are willing to conduct a meet-and-confer during the week of July 14, 2014.

Best regards,

LEWIS ROCA ROTHGERBER LLP

Jonathan W. Fountain

JWF/rc

cc: Michael J. McCue, Esq. (via email only)
Meng Zhong, Esq. (via email only)

EXHIBIT K

RECEIVED
JUL 14 2014
SHEPPARD MULLIN RICHTER & HAMPTON LLP
TRADEMARK DEPARTMENT

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

OVATION, LLC, a Delaware limited liability company, Opposer, v. E! ENTERTAINMENT TELEVISION, LLC, a Delaware limited liability company, Applicant.	Opposition No. 91210506 Mark: POP OF CULTURE Serial No. 85/569798

APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Applicant E! Entertainment Television, LLC ("Applicant" and/or "E!") hereby amends and supplements its objections and responses to Opposer's First Set of Interrogatories to Applicant (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Applicant makes the following General Objections to the Interrogatories. Each of these General Objections is incorporated into the Specific Objections and Answers set forth below, whether or not separately set forth therein.

1. Applicant objects to each Interrogatory as unduly burdensome and oppressive on the grounds that it purports to require Applicant to search Applicant's facilities and inquire of Applicant's employees other than those facilities and employees that would reasonably be expected to have responsive information. Applicant's responses are based upon: (A) a reasonable search, given the time allocated to Applicant to respond to the Interrogatories, of facilities and files that could reasonably be expected to contain responsive information; and (B)

inquiries of Applicant's employees and/or representatives who could reasonably be expected to possess responsive information. The subject matter of these Interrogatories is under continuing investigation. Applicant will respond to these Interrogatories with current knowledge and reserves the right to supplement these responses if any additional information is identified at a later time and to make any additional objections that may become apparent. Applicant expressly reserves the right to make any use of, or introduce at any hearing or at trial, any documents or information not known of or thought to be responsive at the time of response.

2. Specific objections to each Interrogatory are made on an individual basis below. Applicant expressly incorporates each of the General Objections to each specific Response as if set forth in full therein. The Specific Objections are submitted without prejudice to, and without any waiver of, the General Objections not expressly set forth in the specific Response. The assertion of any objection to any Interrogatory is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert that or any other objection at a later date.

3. No incidental or implied admission is intended by any Response. Applicant's answer or objection to any Interrogatory should not be taken as an admission that Applicant accepts or admits the existence of any "facts" set forth or assumed by such request. An answer to part or all of any Interrogatory is not intended to be, and shall not be construed to be, a waiver of any part of any objection to the Interrogatory.

4. Applicant objects to each Interrogatory, and their Definitions, to the extent that they purport to impose upon Applicant any obligations that differ from, or exceed, those required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Trademark Rules, the TBMP, and/or any other rules of the Board, any other applicable rules or law, or any of the parties' agreements.

5. Applicant objects to each Interrogatory to the extent that it seeks information that

is protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Any disclosure of such protected and privileged information is inadvertent and is not intended to waive those privileges or protections.

6. Applicant objects to each Interrogatory to the extent it seeks information that consists of or contains proprietary business information, trade secrets, or other confidential information. Applicant will not produce any documents until a suitable Protective Order is entered in this case, or until the parties have reached an interim agreement regarding the treatment of confidential information. Applicant also will produce documents once the parties have reached an agreement regarding the production format for electronically stored information.

7. Applicant objects to the Interrogatories to the extent that they call for information that is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to the Interrogatories to the extent that they seek information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

9. Applicant objects to the Interrogatories to the extent that they are overbroad, unduly burdensome, oppressive or seek information that is beyond the scope of discovery under the Federal Rules of Civil Procedure or purport to require Applicant to search facilities or inquire of employees other than those facilities and employees that would reasonably be expected to have responsive information.

10. Applicant objects to the Interrogatories to the extent that they seek disclosure of information protected by any right to privacy, under confidentiality obligations, or subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure or other

confidentiality agreements entered into by Applicant.

11. Applicant objects to the Interrogatories to the extent that they call for information not reasonably available to, or the identification of, documents not within the possession, custody, or control of Applicant. The answers given herein are based on information reasonably available to Applicant and the documents within Applicant's possession, custody, or control, including Applicant's knowledge of the same.

12. Applicant objects to each Interrogatory to the extent that it seeks information from a time period that is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Applicant objects to each Interrogatory to the extent that it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant will interpret the terms and phrases used in those Interrogatories as those terms and phrases are understood to Applicant.

14. Applicant objects to each Interrogatory to the extent that it seeks specific categories of information relating to the activities of Applicant's customers and/or suppliers. In most instances, the requested information is not maintained or documented by Applicant. Although it is possible that one or more Applicant's employees has some limited understanding of supplier and/or customer activities on an ad hoc basis, locating and gathering responsive information would be unduly burdensome. In the event the Interrogatories seek information or documents that are maintained in a reasonably accessible fashion and identifiable by Applicant, and the Interrogatories are not objectionable on other grounds, Applicant will provide responsive information.

15. Applicant objects to each Interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature.

16. Applicant objects to Opposer's definitions of "Applicant," "document," "identify," "Opposer," "person," and "POP OF CULTURE Goods and Services," on the grounds that these definitions are vague and/or ambiguous, overly broad, unduly burdensome, and oppressive. Applicant will respond to these Requests based on the information and documents reasonably available to Applicant.

17. Applicant objects to each Interrogatory to the extent it seeks information relating to activities beyond the scope of this case.

18. Applicant objects to the extent the total number of Interrogatories exceeds that permitted by the Board.

19. Applicant objects to each Interrogatory to the extent it is inconsistent with any of the parties stipulations and/or agreements concerning the conduct of discovery in this proceeding.

20. Applicant objects to each Interrogatory to the extent the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

SPECIFIC OBJECTIONS AND ANSWERS

INTERROGATORY NO. 1:

Identify and describe in detail, separately by use and intent to use, all products and services of Applicant bearing, sold, provided or offered under or intended to be sold, provided, or offered under, the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 1: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks

information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant uses or intends to use the POP OF CULTURE Mark on the following products and services: Television, cable television, satellite television, internet, wireless, mobile, radio, and interactive multimedia broadcasting services; broadcasting and transmission of programming, audio and visual content, and entertainment media content via television, cable television, satellite television, video-on-demand, digital media, multimedia, the internet, and wireless and mobile networks; podcasting and webcasting services; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users; television programming services; entertainment in the nature of television programming, cable television programming, satellite television programming, internet programming, multimedia programming, and programming via wireless and mobile networks; entertainment services, namely, audio-visual programming via the internet and wireless and mobile networks; production of television, cable, video-on-demand, digital, satellite, wireless, mobile, internet, and multimedia programs and entertainment media content; production and programming of audio and video content; providing online journals, namely, blogs in the field of entertainment; provision of news and information via the internet and mobile and wireless networks in the field of entertainment. By way of further answer, Applicant responds pursuant to Federal Rule of Civil Procedure 33(d) and directs Opposer to documents Bates labeled E-000007 to E-000012; E-000020; E-00316, E-00317, and E-00318, copies of which have been provided concurrently

herewith.

INTERROGATORY NO. 2:

For each of the POP OF CULTURE Goods and Services, state the date that POP OF CULTURE was first used anywhere and first used in interstate commerce on or in connection with each such product or service.

RESPONSE TO INTERROGATORY NO. 2: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states: Applicant's earliest first use and earliest first use in commerce in connection with any services was on or about July 9, 2012.

INTERROGATORY NO. 3:

State the date of first sale anywhere of each of the POP OF CULTURE Goods and Services.

RESPONSE TO INTERROGATORY NO. 3: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory

because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4:

For each of the POP OF CULTURE Goods and Services, describe in detail the channels of trade and distribution in which such products or services are sold, provided, or offered, or intended to be sold, provided, or offered, including without limitation, the type of retailer or outlet in which each such product or service is sold, provided, offered, or is intended to be sold, provided or offered.

RESPONSE TO INTERROGATORY NO. 4: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that it used the POP OF CULTURE Mark in connection with the E mark on Applicant's television network and in connection with the services and goods associated therewith. Applicant's channels of trade and distribution are those of the E! Television Network, namely, television, cable television, satellite television, internet, radio, video-on-demand, wireless, and mobile networks.

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INTERROGATORY NO. 5:

For each of the POP OF CULTURE Goods and Services, describe in detail the demographic market to which those products and services are sold, offered or directed, or intended to be sold, offered or directed. Such description shall include the age, location, and mean household income of those purchasers who Applicant expects and/or intends to buy and use such products and/or of those viewers, consumers, or purchasers of such services.

RESPONSE TO INTERROGATORY NO. 5: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it seeks information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Applicant further objects to this interrogatory to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states: generally, women, aged 18-49.

INTERROGATORY NO. 6:

For each of the POP OF CULTURE Goods and Services, describe in detail how that mark appears, or is intended to appear, on or in connection with each such product or service, including without limitation, the location and size of said mark, and how it is used in connection with the sale, offering, distribution, production, marketing, or advertising of each such product or service.

RESPONSE TO INTERROGATORY NO. 6: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, pursuant to Rule 33(d), Applicant will produce a representative sample of documents from which the answer to this interrogatory may be determined by examining and the burden of deriving or ascertaining the answer will be substantially the same for both parties.

INTERROGATORY NO. 7:

State the date(s) that Applicant selected and/or adopted the POP OF CULTURE Marks for use with the services listed in the Applications.

RESPONSE TO INTERROGATORY NO. 7: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant adopted the POP OF CULTURE Marks on or about July 9, 2012.

INTERROGATORY NO. 8:

Identify all persons who were involved in, participated in, decided upon, or offered suggestions for, the selection and/or adoption of the POP OF CULTURE Marks by Applicant.

RESPONSE TO INTERROGATORY NO. 8: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this interrogatory to the extent it seeks information protected by attorney-client privilege and work product related to legal advice regarding the POP OF CULTURE Marks.

Subject to and without waiving its General and Specific Objections, Applicant answers and states: Jennifer Neal, Executive Vice President of E! Marketing.

INTERROGATORY NO. 9:

State all facts related to Applicant's awareness or knowledge of Opposer's use of the CULTUREPOP Mark, the CulturePop.com website, or the services offered by Opposer under the CULTUREPOP Mark, at the time that Applicant selected and/or adopted, or filed the Applications to register, the POP OF CULTURE Marks, including, but not limited to, describing in detail what Applicant knew about any of the foregoing and the identity of the person with such knowledge.

RESPONSE TO INTERROGATORY NO. 9: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by requiring Applicant to "state all facts," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is

overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant first learned of Opposer's use of the CULTUREPOP mark and the www.culturepop.com website in or about 2012.

INTERROGATORY NO. 10:

State all facts related to whether Applicant has ever conducted a trademark search of any kind (on-line, full search, or manual search of records of the U.S. Patent and Trademark Office or any other registrar of trademarks) relating to the POP OF CULTURE Marks or any other trademark containing the terms POP or CULTURE, including, but not limited to, identifying each such search report by providing the date on which the search was conducted, and stating whether the CULTUREPOP Mark or Opposer were uncovered or disclosed in any such search.

RESPONSE TO INTERROGATORY NO. 10: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by requiring Applicant to "state all facts," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers pursuant to Rule 33(d) of the Federal Rules of Civil Procedure and directs Opposer to documents

Bates labeled E-000036 to E-000315, copies of which have been provided concurrently herewith.

INTERROGATORY NO. 11:

Describe in detail the method of marketing, promotion, and advertising of each of the POP OF CULTURE Goods and Services.

RESPONSE TO INTERROGATORY NO. 11: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that: the method of marketing, promotion, and advertising began with the overall rebrand of the E! network with the POP OF CULTURE Marks officially on or about July 9, 2012. This included a day-of rebrand launch with new on-air graphic elements, E! Online, marketing and promotional materials. Applicant has continued to consistently use the POP OF CULTURE Marks on an ongoing basis domestically and internationally on all trade and consumer facing materials (*i.e.* print and online campaigns, building signage, and corporate ID materials.

INTERROGATORY NO. 12:

State separately the annual and total amount spent by or on behalf of Applicant for advertising, promoting, or marketing the POP OF CULTURE Goods and Services from the date of first use to present. If Applicant does not maintain records of the amounts spent on the advertisement and promotion of the POP OF CULTURE Goods and Services, state the annual and monthly amount spent by or on behalf of Applicant for the advertisement and

promotion of all of Applicant's products or services regardless of the mark or name applied to such products or services from the date of first use of the POP OF CULTURE Marks to the present.

RESPONSE TO INTERROGATORY NO. 12: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because, by seeking "the annual and monthly amount spent by or on behalf of Applicant for the advertisement and promotion of all of Applicant's products or services regardless of the mark or name applied to such products or services," this interrogatory is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers pursuant to Federal Rule of Civil Procedure 33(d) and directs Opposer to documents Bates labeled E-000007 to E-000008, copies of which have been provided concurrently herewith.

INTERROGATORY NO. 13:

Identify and describe in detail any marketing, promotion, or advertising plans or programs of Applicant's directed toward or targeted to any particular trade, industry or consumer group for the POP OF CULTURE Goods and Services, including, but not limited to, identifying each such trade, industry, or consumer group.

RESPONSE TO INTERROGATORY NO. 13: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an

understandable manner. Applicant also objects to this interrogatory because, by seeking "any" marketing, promotion, or advertising plans or programs, the interrogatory is overly broad, unduly burdensome, and seeks cumulative information. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states: none.

INTERROGATORY NO. 14:

If Applicant has ever received any unfavorable comments, evaluations or information, or any criticism or complaints about the quality of the POP OF CULTURE Goods and Services, identify and describe in detail all communications which refer, relate, or pertain to all such comments, evaluations, information, criticism, and complaints, the date of each such communication, and the persons who made and received such communication.

RESPONSE TO INTERROGATORY NO. 14: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "any unfavorable comments, evaluations or information, or any criticism or complaints" in addition to "all communications which refer, relate, or pertain to all such comments, evaluations, information, criticism, and complaints, the date of each such communication, and the persons who made and received such communication." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated

to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that it is presently unaware of any specific unfavorable comments, evaluations or information, or any criticism or complaints about the quality of the POP OF CULTURE Goods and Services. However, to the extent Applicant provides television programming and content, Applicant is generally aware that viewers of Applicant's programming and content often express their opinions, both favorable and unfavorable, about Applicant's programming and content both in private conversations and at times, via online blogs and chat rooms.

INTERROGATORY NO. 15:

Identify and describe in detail all instances in which Applicant received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Opposer and Applicant or between the CULTUREPOP Mark or Applicant and the goods or services offered by Opposer or the POP OF CULTURE Goods and Services, and for each instance, identify all individuals who have knowledge of the facts thereof, the context of each instance, and the date of each instance.

RESPONSE TO INTERROGATORY NO. 15: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all instances in which Applicant received any requests, inquiries, or statements from any person relating to whether there is or was some relationship, association, affiliation, or license between Opposer and Applicant or between the CULTUREPOP Mark or Applicant and the goods or services offered by Opposer or the POP OF CULTURE Goods and Services, and for each instance, [the identity of] all individuals who have knowledge of the facts thereof, the

context of each instance, and the date of each instance." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that it is presently unaware of any such requests, inquiries, or statements.

INTERROGATORY NO. 16:

Identify all surveys, public opinion polls, or any other forms of consumer or market research known to Applicant which refer, relate to, or pertain in any way to the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or Opposer.

RESPONSE TO INTERROGATORY NO. 16: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all surveys, public opinion polls, or any other forms of consumer or market research known to Applicant which refer, relate to, or pertain in any way to the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or Opposer." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that it is presently unaware of any such surveys, public opinion polls, or other forms of consumer or market research relating to the POP OF CULTURE Marks or the CULTUREPOP Mark.

INTERROGATORY NO. 17:

Identify and describe in detail all media used by Applicant to run or publish anywhere any advertisements bearing or featuring the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services anywhere, including, but not limited to, the number of times each print advertisement was run or published, the time of day or night each radio or television advertisement was run, the length of each radio or television advertisement, and the location and size of each print advertisement in each publication or medium identified.

RESPONSE TO INTERROGATORY NO. 17: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all media used by Applicant to run or publish anywhere any advertisements bearing or featuring the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services anywhere, including, but not limited to, the number of times each print advertisement was run or published, the time of day or night each radio or television advertisement was run, the length of each radio or television advertisement, and the location and size of each print advertisement in each publication or medium identified." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that: an advertising campaign including the POP OF CULTURE Marks began on or about July 9, 2012, including included print ads, online units, cover wraps in AdWeek and AMNY, online campaigns (on Adweek.com, Cynopsis, Deadline, TVLine, HuffingtonPost,

LinkedIn, MediaPost, NYMagazine, Hollywoodreporter), building signage (interior and exterior), and the sale of merchandise at Hudson News /E! NEWS LAX store in Terminal 7 (including water bottles, coffee tumblers, spiral notebooks, iPad cases, t-shirts, Eco bags, and iPhone button stickers).

INTERROGATORY NO. 18:

Identify and describe in detail all contracts, participation agreements, syndication agreements, licensing agreements, production agreements, manufacturing agreements, distribution agreements, finance agreements, or arrangements between Applicant and any third-party relating to any POP OF CULTURE Goods and Services or the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 18: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks essentially all agreements entered into by Applicant without limitation, including, for example, all contracts, participation agreements, syndication agreements, licensing agreements, production agreements, manufacturing agreements, distribution agreements, finance agreements. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers pursuant to Federal Rule of Civil Procedure 33(d) and directs Opposer to documents Bates labeled E-000001 to E-000006, copies of which have been provided concurrently herewith.

INTERROGATORY NO. 19:

Identify and describe in detail all cross-marketing agreements, website linking agreements, promotion agreements, sponsorship agreements, or other marketing or advertising arrangements between Applicant and any third party relating to any of the POP OF CULTURE Goods and Services, including but not limited to, stating the date of each such agreement or arrangement, the term of each such agreement or arrangement, a description of the rights licensed or granted, and the types of goods or services relating to each such agreement.

RESPONSE TO INTERROGATORY NO. 19: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all cross-marketing agreements, website linking agreements, promotion agreements, sponsorship agreements, or other marketing or advertising arrangements between Applicant and any third party relating to any of the POP OF CULTURE Goods and Services, including but not limited to, stating the date of each such agreement or arrangement, the term of each such agreement or arrangement, a description of the rights licensed or granted, and the types of goods or services relating to each such agreement." Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers pursuant to Federal Rule of Civil Procedure 33(d) and directs Opposer to documents Bates labeled E-000001 to E-000006, copies of which have been provided concurrently herewith.

Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 20:

Identify all keywords, Adwords, or search terms purchased or bid on for the POP OF CULTURE Goods and Services and all electronic tags or markings or other search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services.

RESPONSE TO INTERROGATORY NO. 20: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all keywords, Adwords, or search terms purchased or bid on for the POP OF CULTURE Goods and Services and all electronic tags or markings or other search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services." Applicant further objects to this interrogatory because information concerning "Adwords or search terms" "bid on" for the "POP OF CULTURE Goods and Services" are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this interrogatory to the extent it seeks information not known to Applicant, not within Applicant's possession, custody, or control, and/or not reasonably obtainable by Applicant. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

INTERROGATORY NO. 21:

State all facts that relate to, support, or negate Applicant's allegations in Paragraph 7 of Applicant's Answer denying that "[t]he registration of Applicant's POP OF CULTURE [M]ark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods and services offered under the POP OF CULTURE Mark, and/or to draw a false association, sponsorship, connection, affiliation, or endorsement with Opposer, the CulturePop.com website, and or the CULTUREPOP Intellectual Property."

RESPONSE TO INTERROGATORY NO. 21: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's allegations in Paragraph 7 of Applicant's Answer . . . ." Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to this interrogatory to the extent it seeks information not known to Applicant, not within Applicant's possession, custody, or control, and/or not reasonably obtainable by Applicant. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers

and states, among other things: the dissimilarity of the parties' marks in terms of sight, sound, appearance, connotation, and commercial impression; the conceptual and commercial weakness of the CULTUREPOP mark; the absence of actual confusion; and the length of time and conditions under which there has been concurrent use without actual confusion.

INTERROGATORY NO. 22:

State the actual meaning or connotation of each of the POP OF CULTURE Marks and the meaning or connotation intended by Applicant of each of the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 22: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory to the extent it is misleading and falsely assumes that the actual meaning or connotation of each of the POP OF CULTURE Marks is different from the meaning or connotation intended by Applicant. Applicant further objects to this interrogatory because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that the POP OF CULTURE Marks are each intended to bring to mind Applicant as an entertainment television channel that provides its viewers with the best, most interesting, and most up-to-date television programing focused on current popular culture issues, trends, and happenings.

INTERROGATORY NO. 23:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the wording POP and CULTURE are descriptive when used in connection

with services on the subject of pop culture."

RESPONSE TO INTERROGATORY NO. 23: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that: the fact that the terms POP and CULTURE are each included in the phrase "pop culture," which describes goods and services relating to pop culture.

INTERROGATORY NO. 24:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks," including but not limited to, an identification of all third party marks on which Applicant intends to rely, the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise

each third party mark for the last five years.

RESPONSE TO INTERROGATORY NO. 24: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark 'is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks,' including but not limited to, an identification of all third party marks on which Applicant intends to rely, the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years." Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks, including those identified in documents Bates labeled E-000076 through E-000131, provided herewith, as well as: U.S. Trademark Reg. No. 4025086 for POP CULTURE AMPLIFIED for "Entertainment services, namely, providing information, news, commentary, and photo

presentations in the fields of entertainment, TV, movies, music, pop culture, celebrities, fashion, and sports via global computer networks, mobile telephones, and other digital communication networks and devices;" U.S. Trademark Reg. No. 4285687 for POP GOES THE WEEKfor "Entertainment services, namely, providing online journals, namely, blogs featuring entertainment news, and providing a website featuring entertainment information concerning pop culture, celebrity interviews, celebrity gossip and non-downloadable viral videos featuring sports, comedic presentations and live action reality recordings for entertainment purposes;" U.S. Trademark Reg. No. 3720492 for MR. POP CULTURE for: "Entertainment Services, namely, providing a website featuring, photographic, audio, video and prose presentations featuring Pop Culture From The 1950's Forward;" and U.S. Trademark Reg. No. 4256451 for FRESHLY POPPED CULTURE for: "On-line publication, namely, on-line newsletter featuring information related to the fields of entertainment, pop culture, music, fashion, politics, food; on-line publication of weekly e-mail newsletter in the field of pop culture, music, fashion, politics, food."

INTERROGATORY NO. 25:

State all facts that relate to, support, or negate Applicant's Affirmative Defense as stated in Applicant's Answer.

RESPONSE TO INTERROGATORY NO. 25: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's Affirmative Defense." Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total

number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states, among other facts, see Applicant's Answers to Interrogatory Nos. 23 and 24. Applicant is continuing to gather the information needed to answer this interrogatory. Discovery is continuing and Applicant will supplement this response as additional information becomes available.

INTERROGATORY NO. 26:

Identify all entities who are affiliates of Applicant, including all entities who own or control at least 25 percent of Applicant's business, or who are at least 25 percent owned by or controlled by Applicant or with whom Applicant shares any common officers or directors.

RESPONSE TO INTERROGATORY NO. 26: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this request because it seeks information that is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

INTERROGATORY NO. 27:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the CULTUREPOP mark is entitled to, at best, a narrow scope of protection;" and that the CULTUREPOP mark is "conceptually and commercially weak."

RESPONSE TO INTERROGATORY NO. 27: Applicant objects to this interrogatory

because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the CULTUREPOP mark is entitled to, at best, a narrow scope of protection;' and that the CULTUREPOP mark is 'conceptually and commercially weak.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states, among other facts, see Applicant's Answers to Interrogatory Nos. 23 and 24. In addition, upon information and belief, the CULTUREPOP mark is commercially weak because of Opposer's apparent lack of significant revenue from sales of CULTUREPOP goods and services and apparent lack of marketplace recognition.

INTERROGATORY NO. 28:

State all facts that relate to, support, or negate Applicant's contention in its May. 18, 2012 letter that "the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion."

RESPONSE TO INTERROGATORY NO. 28: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad,

unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states, among other facts, the dissimilarity of the parties' marks in terms of sight, sound, and appearance, the commercial strength of the POP OF CULTURE Marks; the parties' use of their respective marks in connection with their house brands; the commercial and conceptual weakness of the CULTUREPOP mark; the absence of actual confusion; and the length of time and conditions under which there has been concurrent use without actual confusion.

INTERROGATORY NO. 29:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion."

RESPONSE TO INTERROGATORY NO. 29: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all

facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant is using the POP OF CULTURE Mark with the famous E! mark in connection with all of E!'s services. In contrast, Opposer is using the CULTUREPOP mark exclusively or primarily as the name of television series. See also Applicant's Answers to Interrogatory Nos. 28.

INTERROGATORY NO. 30:

State all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that "the source of services offered under our POP OF CULTURE mark-E! Entertainment Television-will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion."

RESPONSE TO INTERROGATORY NO. 30: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this interrogatory because it is overly broad, unduly burdensome, oppressive, and seeks cumulative information to the extent it seeks: "all facts that relate to, support, or negate Applicant's contention in its May 18, 2012 letter that 'the source of services offered under our POP OF CULTURE mark-E! Entertainment

Television-will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion.'" Applicant further objects to this interrogatory to the extent it seeks Applicant's contentions at this time and is thereby premature. Moreover, Applicant objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Moreover, Applicant objects to this Interrogatory to the extent it seeks information that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant answers and states, among other facts, to the best of Applicant's knowledge, information, and belief, the POP OF CULTURE mark is never used without Applicant's famous E! mark. In addition, because Applicant's E! mark is famous, given its use within the E! POP OF CULTURE mark, the source of Applicant's goods and services will always be readily apparent.

INTERROGATORY NO. 31:

Separately state the total amount of sales, in units and dollars, of each product bearing, sold under, or offered under the POP OF CULTURE Marks, and the total revenue generated from the services offered under the POP OF CULTURE Marks.

RESPONSE TO INTERROGATORY NO. 31: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Applicant also objects to this interrogatory because, by requiring Applicant to "total amount of sales, in units and dollars, of each product bearing, sold under, or offered under the POP OF CULTURE Marks, and the total revenue generated from the services offered under the POP OF CULTURE Marks," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory because the burden

or expense of the proposed information outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

INTERROGATORY NO. 32:

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Applicant's responses to Opposer's First Set of Requests for Admission, and Applicant's Responses to Opposer's First Set of Request for Production of Documents served concurrently herewith.

RESPONSE TO INTERROGATORY NO. 32: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to the extent this interrogatory exceeds the total number of permissible interrogatories.

INTERROGATORY NO. 33:

State the total number of units manufactured of each product bearing, sold under, or offered under the POP OF CULTURE Marks to date.

RESPONSE TO INTERROGATORY NO. 33: Applicant objects to this interrogatory because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to the extent this interrogatory exceeds the total number of permissible interrogatories. Applicant also objects to this interrogatory because, by requiring Applicant to "total number of units manufactured of each product bearing, sold under, or offered under the POP OF CULTURE Marks to date," it is overbroad, unduly burdensome, and oppressive. Applicant further objects to this interrogatory because the burden or expense of the proposed information outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in

the action, and the importance of the discovery in resolving the issues.

Dated: this 11th day of July, 2014.

AS TO OBJECTIONS ONLY:

LEWIS ROCA ROTHGERBER LLP

By: _____

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
(Tel.) 702-949-8200
(Fax) 702-949-8398

Attorneys for Applicant
E! Entertainment Television, LLC

VERIFICATION

I, Gabriela Kornzweig, am an Assistant Secretary of Applicant E! Entertainment Television, LLC, and am authorized to make this verification on its behalf. I have read the foregoing document entitled APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT, and am familiar with the answers set forth therein. I am informed and believe that the factual matters stated in the foregoing document are true and correct.

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

Executed on July 11, 2014 at Universal City, California

Gabriela Kornzweig

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2014, I served a true and accurate copy of the foregoing document entitled, APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT, by first-class, United States mail, upon the following counsel for Opposer:

Paul Bost, Esq.
Jill M. Pietrini, Esq.
Whitney Walters, Esq.
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

/s/ Rebecca J. Contla
An employee of Lewis Roca Rothgerber LLP

EXHIBIT L

RECEIVED
JUL 14 2014
SHEPPARD MULLIN RICHTER & HAMPTON LLP
TRADEMARK DEPARTMENT

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

OVATION, LLC, a Delaware limited liability company, Opposer, v. E! ENTERTAINMENT TELEVISION, LLC, a Delaware limited liability company, Applicant.	Opposition No. 91210506 Mark: POP OF CULTURE Serial No. 85/569798

APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT

Applicant E! Entertainment Television, LLC ("Applicant" and/or or "E!") hereby amends and supplements its objections and responses to Opposer's First Set of Requests for Production to Applicant (the "Requests") as follows:

GENERAL OBJECTIONS

Applicant makes the following General Objections to the Requests. Each of these General Objections is incorporated into the Specific Objections and Responses set forth below, whether or not separately set forth therein.

1. Applicant objects to each Request as unduly burdensome and oppressive on the grounds that it purports to require Applicant to search Applicant's facilities and inquire of Applicant's employees other than those facilities and employees that would reasonably be expected to have responsive documents. Applicant's responses are based upon: (A) a reasonable search, given the time allocated to Applicant to respond to the Requests, of facilities and files that could reasonably be expected to contain responsive documents; and (B) inquiries of

Applicant's employees and/or representatives who could reasonably be expected to possess responsive documents. The subject matter of these Requests is under continuing investigation. Applicant will respond to these Requests with current knowledge and reserves the right to supplement these responses if any additional documents are identified at a later time and to make any additional objections that may become apparent. Applicant expressly reserves the right to make any use of, or introduce at any hearing or at trial, any documents not known of or thought to be responsive at the time of response.

2. Specific objections to each Request are made on an individual basis below. Applicant expressly incorporates each of the General Objections to each specific Response as if set forth in full therein. The Specific Objections are submitted without prejudice to, and without any waiver of, the General Objections not expressly set forth in the specific Response. The assertion of any objection to any Request is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert that or any other objection at a later date.

3. No incidental or implied admission is intended by any Response. Applicant's answer or objection to any Request should not be taken as an admission that Applicant accepts or admits the existence of any "facts" set forth or assumed by such Request. An answer to part or all of any Request is not intended to be, and shall not be construed to be, a waiver of any part of any objection to the Request.

4. Applicant objects to each Request, and their Definitions, to the extent that they purport to impose upon Applicant any obligations that differ from, or exceed, those required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Trademark Rules, the TBMP, and/or any other rules of the Board, any other applicable rules or law, or any of the parties' agreements.

5. Applicant objects to each Request to the extent that it seeks documents that are

protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Any disclosure of such protected and privileged documents is inadvertent and is not intended to waive those privileges or protections.

6. Applicant objects to each Request to the extent it seeks documents that consist of or contain proprietary business information, trade secrets, or other confidential information. Applicant will not produce any documents until a suitable Protective Order is entered in this case, or until the parties have reached an interim agreement regarding the treatment of confidential information. Applicant also will produce documents once the parties have reached an agreement regarding the production format for electronically stored information.

7. Applicant objects to the Requests to the extent that they call for documents that are neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to the Requests to the extent that they seek documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

9. Applicant objects to the Requests to the extent that they are overbroad, unduly burdensome, oppressive or seek documents that are beyond the scope of discovery under the Federal Rules of Civil Procedure or purport to require Applicant to search facilities or inquire of employees other than those facilities and employees that would reasonably be expected to have responsive documents.

10. Applicant objects to the Requests to the extent that they seek disclosure of information protected by any right to privacy, under confidentiality obligations, or subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure or other

confidentiality agreements entered into by Applicant.

11. Applicant objects to the Requests to the extent that they call for information and documents not reasonably available to, or the identification of, documents not within the possession, custody, or control of Applicant. The responses given herein are based on information reasonably available to Applicant and the documents within Applicant's possession, custody, or control, including Applicant's knowledge of the same.

12. Applicant objects to each Request to the extent that it seeks documents from a time period that is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Applicant objects to each Request to the extent that it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant will interpret the terms and phrases used in those Requests as those terms and phrases are understood to Applicant.

14. Applicant objects to each Request to the extent that it seeks specific categories of documents relating to the activities of Applicant's customers and/or suppliers. In most instances, the requested documents are not maintained by Applicant. Although it is possible that one or more Applicant's employees has some limited understanding of supplier and/or customer activities on an ad hoc basis, locating and gathering responsive documents would be unduly burdensome. In the event the Requests seek documents that are maintained in a reasonably accessible fashion and identifiable by Applicant, and the Requests are not objectionable on other grounds, Applicant will provide responsive documents.

15. Applicant objects to each Request to the extent it seeks Applicant's contentions at this time and is thereby premature.

16. By stating in these responses that Applicant will produce documents, Applicant

does not intend to represent that any responsive documents actually exist, but rather that Applicant is making and will continue to make a reasonable, good faith search and attempt to ascertain whether responsive documents do in fact exist.

17. Applicant objects to Opposer's definitions of "Applicant," "document," "identify," "Opposer," "person," and "POP OF CULTURE Goods and Services," on the grounds that these definitions are vague and/or ambiguous, overly broad, unduly burdensome, and oppressive. Applicant will respond to these Requests based on the information and documents reasonably available to Applicant.

18. Applicant objects to each Request to the extent it seeks documents relating to activities beyond the scope of this case.

19. Applicant objects to each Request to the extent it does not identify the documents sought with reasonable particularity.

20. Applicant objects to each Request to the extent it is inconsistent with any of the parties stipulations and/or agreements concerning the conduct of discovery in this proceeding.

21. Applicant objects to each Request to the extent the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST FOR PRODUCTION NO. 1:

Representative samples of documents identifying each type of good and each type of service offered under or intended to be offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 2:

All documents relating to the date(s) of first use anywhere and in interstate commerce by Applicant of the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Applicant further objects to this Request because it seeks publicly available documents that are obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents establishing the date of first use, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 3:

All documents relating to the date of first sale of each product bearing or sold under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative

information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce representative, non-privileged documents establishing date of first use, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 4:

Specimens of all of website pages, press releases, one sheets, labels, invoices, packing slips, tags, markings, nameplates, and the like, and/or advertising material that constitute the first use claimed for or intended first use of the POP OF CULTURE Marks for any goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all of website pages, press releases, one sheets, labels, invoices, packing slips, tags, markings, nameplates, and the like, and/or advertising material documents," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce representative non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 5:

Two samples of each product bearing, sold under or intended to be sold under the POP

OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Subject to and without waiving its General Objections, Applicant will produce images of products responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 6:

Representative samples of each type of label, hang tag, container, carton, tag, invoice, sticker, box, bag, packaging, and/or other means by which Applicant has applied or used or intends to apply or use the POP OF CULTURE Marks on or in connection with any goods.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Subject to and without waiving its General Objections, Applicant will produce non-privileged documents and tangible things responsive to this Request, to the extent that such documents and tangible things exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 7:

Representative samples of all website pages, press releases, one sheets, catalogs, brochures, fliers, sales meeting materials, broadcast publications (video and audio) and descriptive materials in general, from the date of first use to the present, relating to each of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all website pages, press releases, one sheets, catalogs, brochures, fliers, sales meeting materials, broadcast publications (video and audio)

and descriptive materials in general," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to the selection and adoption of the POP OF CULTURE Marks by Applicant and of the availability or clearance of such mark for use and/or registration by Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Applicant objects to this Request to the extent that it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents relating to the selection and adoption of the POP OF CULTURE Marks by Applicant and of the availability or clearance of such mark for use and/or registration by Applicant," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 9:

Representative samples of publications in which the POP OF CULTURE Goods and Services have been advertised, promoted, marketed, reviewed or featured anywhere, including without limitation magazines, newspapers, trade publications, and catalogs.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Applicant objects to this

Requests to the extent it calls for documents not reasonably available to or within the possession, custody, or control, of Applicant.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged, representative samples responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 10:

All documents relating to the channels of distribution and intended channels of distribution of each of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify its distribution channels for each of the POP OF CULTURE Goods and Services, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 11:

All documents identifying the type of retailer, store, or retail outlet, whether brick and mortar or online, which sells, offers for sale, intends to sell, promotes, or advertises any of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in

an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify the type of retailers, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 12:

All documents that relate to, or identify, the market (*i.e.*, type of purchaser), who Applicant expects and intends to actually buy, or use, and/or view the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify Applicant's intended consumers, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 13:

All documents identifying any particular trade, industry, or consumer group toward

which any marketing or advertising is directed or targeted for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 14:

All documents relating to surveys, public opinion polls, or any other forms of consumer or market research that relate in any way to the POP OF CULTURE Marks, the POP OF CULTURE Goods and Services, the CULTUREPOP Mark, the CulturePop.com website, marks including the term CULTURE and/or POP, or Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not

reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 15:

Representative samples of all invoices, purchase orders, participation statements, royalty statements, and distribution statements for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "all invoices, purchase orders, participation statements, royalty statements, and distribution statements for the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 16:

All inventory reports, order forecasts, and sales forecasts referring or relating to goods or services bearing or sold under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "All inventory reports, order forecasts, and sales forecasts referring or relating to goods or services bearing or sold under the POP OF

CULTURE Marks," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 17:

Documents sufficient to reflect the total sales of the goods offered under or bearing the POP OF CULTURE Marks in units and dollars.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: Subject to and without waiving its General Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to reflect the total sales of the goods offered under or bearing the POP OF CULTURE Marks, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 18:

Documents sufficient to reflect the total revenue earned from the sale or offering of any services or content under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify total revenue earned from the sale or offering of any services or content under the POP OF CULTURE Marks, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 19:

Documents sufficient to identify the retail price or intended retail price of each product or service bearing, sold, offered, or provided under, or intended to be sold, offered or provided under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify the retail price or intended retail price, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 20:

Documents sufficient to identify the wholesale price or intended wholesale price of each product or service bearing, sold, offered, or provided under, or intended to be sold, offered, or provided under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify the wholesale price or intended wholesale price, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 21:

Representative samples of all documents relating to marketing, promotion, or

advertising of each of the POP OF CULTURE Goods and Services, including but not limited to, documents relating to marketing and advertising plans or strategies for each such product or service, or cumulatively for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 22:

All documents that relate to the method of marketing each of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 23:

Representative samples of all advertisements and marketing material for each of the

POP OF CULTURE Goods and Services published, disseminated, distributed, or available or intended to be published, disseminated, distributed, or available.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking representative samples of "all advertisements and marketing material for each of the POP OF CULTURE Goods and Services published, disseminated, distributed, or available or intended to be published, disseminated, distributed, or available," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged representative sample documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 24:

All cross-marketing agreements, co-branding agreements, sponsorship agreements, promotion agreements, or other marketing or advertising arrangements relating to the POP OF CULTURE Marks between Applicant and any third-party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking "All cross-marketing agreements, co-branding agreements,

sponsorship agreements, promotion agreements, or other marketing or advertising arrangements relating to the POP OF CULTURE Marks between Applicant and any third-party," it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Requests to the extent it seeks the disclosure of information protected by any right to privacy, under confidentiality obligations, subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, or other confidentiality agreements entered into by Applicant.

REQUEST FOR PRODUCTION NO. 25:

All documents, for each year from the date(s) of first use to present, showing or from which it can be ascertained, the total amount Applicant has spent to market, advertise and/or promote the POP OF CULTURE Goods and Services. If Applicant does not maintain records of such amounts spent regarding the POP OF CULTURE Goods and Services specifically, produce all documents relating to the total amount spent by Applicant or on behalf of Applicant to market, advertise and/or promote all of Applicant's goods and services regardless of the mark or name applied to such goods and services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking "all documents" it is overly broad, unduly burdensome, oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant will

produce non-privileged documents responsive to this Request sufficient to identify its marketing spend, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 26:

All documents relating to any registration or application for registration of POP OF CULTURE by Applicant as a trademark, service mark, trade name, or fictitious business name in the U.S. Patent & Trademark Office, in any of the states of the United States, or in any governmental agency or department of the United States, or of any state, county, or city.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Applicant further objects to this Request because it seeks publicly available documents that are obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged representative documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 27:

All documents relating to any registration or application for registration of POP OF CULTURE by Applicant as a trademark, service mark, trade name, or fictitious business name in any international or foreign governmental agency or department.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 28:

All documents relating to any registration or application for registration, in whole or in part, of POP OF CULTURE as a domain name or address on the internet or on any other computer network.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged representative documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located

after a reasonable search.

REQUEST FOR PRODUCTION NO. 29:

All documents reflecting or relating to any communications that Applicant has had, orally or in writing, with any person regarding Applicant's rights to use and/or registration, or the use, of the POP OF CULTURE Marks, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 30:

All documents evidencing, suggesting, or relating to any confusion between Applicant's POP OF CULTURE Goods and Services, on the one hand, and any products or services offered under the CULTUREPOP Mark, on the other hand, or any perceived sponsorship, license, or approval by Opposer of the POP OF CULTURE Goods and Services, or any perceived affiliation of any kind between Opposer and the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 31:

All documents relating to any demand made upon Applicant to abandon, modify, or alter its use of the POP OF CULTURE Marks (other than correspondence between Applicant and Opposer), including all documents relating to Applicant's response(s) to any such demand(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 31: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 32:

All documents relating to any alternate marks that were considered by Applicant for use as a trademark, service mark, or trade name instead of the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 33:

All assignments and license agreements relating to the POP OF CULTURE Marks or any marks including the terms POP or CULTURE, and all documents and correspondence relating thereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request because, by seeking the production of "all documents," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 34:

All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce documents sufficient to identify the names of its officers.

REQUEST FOR PRODUCTION NO. 35:

All organization charts or other documents which reflect the organization and operational structure of all entities that are owned by, share common ownership with, or have an ownership or management interest in Applicant and its related entities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All organization charts or other documents which reflect the organization and operational structure of Applicant and its related entities or their predecessors," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly Applicant will not produce the requested documents.

REQUEST FOR PRODUCTION NO. 36:

All business plans of Applicant and its related entities for the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All business plans of Applicant and its related entities for the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

REQUEST FOR PRODUCTION NO. 37:

All contracts between Applicant, on the one hand, and its (a) distributors of (b) manufacturers of, (c) providers/suppliers of, and/or (d) retailers for products offered under the POP OF CULTURE Marks, on the other hand.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All contracts," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, and to the extent Applicant understands what is being asked Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 38:

All participation agreements and statements, synchronization agreements, producer

agreements, merchandise agreements, distribution agreements and statements, network agreements, agreements concerning broadcasting or streaming content on the internet or to mobile devices, relating to the services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All participation agreements. and statements, synchronization agreements, producer agreements, merchandise agreements, distribution agreements and statements, network agreements, agreements concerning broadcasting or streaming content on the internet or to mobile devices, relating to the services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 39:

All contracts between Applicant, on the one hand, and owners of content acquired or licensed for use, reprinting, or publication with or for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All contracts," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly Applicant will not produce the requested documents.

REQUEST FOR PRODUCTION NO. 40:

All contracts, licensing agreements, web hosting agreements, linking agreements, website affiliation agreements, web design agreements, or other arrangements relating to the POP OF CULTURE Marks, POP OF CULTURE Goods and Services, or any mark including the terms POP or CULTURE between Applicant and any third-party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 40: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All contracts," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 41:

All documents evidencing, reflecting, or relating to any complaints by third parties regarding any of the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in

an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents evidencing, reflecting, or relating to any complaints by third parties regarding any of the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Requests to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, Applicant responds and states that it is unaware of the existence of any responsive, non-privileged, documents. Discovery is ongoing and Applicant is continuing to search its records and files. To the extent Applicant discovers responsive, non-privileged, documents, it will produce them.

REQUEST FOR PRODUCTION NO. 42:

All emails, letters, notes, or other communications to or from Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the

discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All emails, letters, notes, or other communications to or from Applicant or amongst or between Applicant's employees, consultants, management, Board of Directors, or officers relating to Opposer, the CULTUREPOP Mark, the CulturePop.com website, or any marks including the terms POP or CULTURE," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 43:

All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of the CULTUREPOP Mark, the CulturePop.com website, or any of the products or services offered under the CULTUREPOP Mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of the CULTUREPOP Mark, the CulturePop.com website, or any of the products or services offered

under the CULTUREPOP Mark," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of the CULTUREPOP Mark, the CulturePop.com website, or any of the products or services offered under the CULTUREPOP Mark, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 44:

All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks consisting of or including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks

consisting of or including the terms POP or CULTURE," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request sufficient to identify the date that Applicant first became aware or acquired knowledge of Opposer's use, registration, or intended registration of any marks consisting of or including the terms POP or CULTURE, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 45:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of the Applications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents that Applicant reviewed or upon which Applicant relied in the preparation of the Applications," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client

privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 46:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's Answer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's Answer," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 47:

All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's responses to Opposer's First Set of Interrogatories to Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents that Applicant reviewed or upon which Applicant relied in the preparation of Applicant's responses to Opposer's First Set of Interrogatories to Applicant," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 48:

All documents relating to the registration, purchase, acquisition, bid, or use of POP OF CULTURE or any other name, including the words "POP" or "CULTURE," alone or with any other words as metadata, search terms, electronic tags or markings, meta tags, keywords, search engine marketing terms, or other hidden terminology or technology in any website or in any search engine on the internet, or as an "AdWord" for Google, Yahoo, Bing, or any other search engine on the internet, by or on behalf of Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to the registration, purchase, acquisition, bid, or use of POP OF CULTURE or any other name, including the words "POP" or

"CULTURE," alone or with any other words as metadata, search terms, electronic tags or markings, meta tags, keywords, search engine marketing terms, or other hidden terminology or technology in any website or in any search engine on the internet, or as an "AdWord" for Google, Yahoo, Bing, or any other search engine on the internet, by or on behalf of Applicant," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity.

REQUEST FOR PRODUCTION NO. 49:

Documents sufficient to identify the electronic tags or markings, or search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it is misleading and falsely assumes that Applicant has utilized or utilizes "electronic tags or markings, or search terms attached to, associated with, or flagged for the POP OF CULTURE Goods and Services."

REQUEST FOR PRODUCTION NO. 50:

Documents sufficient to identify all internet domain names owned by Applicant that include POP OF CULTURE, or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 51:

All historic and current web pages for any website operated or owned by Applicant that display, use, or feature the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 51: Applicant objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant also objects to this Request because, by seeking the production of "All historic and current web pages for any website operated or owned by Applicant that display, use, or feature the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services," it is overly broad, not limited to any relevant time period, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents. Applicant further objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

Subject to and without waiving its General and Specific Objections, Applicant will

produce non-privileged representative sample documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 52:

All documents relating to traffic, including the number of visitors and number of "hits" to any website operated or owned by Applicant, that displayed or featured or currently displays or features the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to traffic, including the number of visitors and number of 'hits' to any website operated or owned by Applicant, that displayed or featured or currently displays or features the POP OF CULTURE Marks or the POP OF CULTURE Goods and Services," it is overly broad, unduly burdensome, and oppressive and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 53:

All historic and current web pages for any website operated or owned by Applicant that discuss this dispute.

RESPONSE TO REQUEST FOR PRODUCTION NO. 53: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All historic and current web pages for any website operated or owned by Applicant that discuss this dispute," it is overly broad, not limited in time, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. In addition, Applicant objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 54:

All artwork or other designs used or to be used with the POP OF CULTURE Marks for any goods or services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 54: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity.

REQUEST FOR PRODUCTION NO. 55:

All documents provided to any expert(s) retained by Applicant as testifying experts in this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 55: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Moreover, Applicant objects to this Request to the extent it requires the disclosure of information protected against disclosure by Rule 26(b)(4)(C) of the Federal Rules of Civil Procedure and to the extent it requires Applicant to provide expert disclosures earlier in time than provided for in the case schedule and earlier in time than required by Federal Rule of Civil Procedure 26(a)(2) and Trademark Rule 2.120(a)(2).

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, limited to those documents required to be produced under Fed. R. Civ. P. 26(b)(4)(c)(i)-(iii), to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 56:

All documents reflecting communications between Applicant and all testifying experts retained for this case.

RESPONSE TO REQUEST FOR PRODUCTION NO. 56: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Moreover, Applicant objects to this Request to the extent it requires the disclosure of information protected against disclosure by Rule 26(b)(4)(C) of the Federal Rules of Civil Procedure and to the extent it requires Applicant to provide expert disclosures earlier in time than provided for in the case schedule and earlier in time than required by Federal Rule of Civil Procedure 26(a)(2) and Trademark Rule 2.120(a)(2).

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, limited to those documents required to be produced under Fed. R. Civ. P. 26(b)(4)(c)(i)-(iii), to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 57:

All documents reflecting the meaning or connotation of the POP OF CULTURE mark.

RESPONSE TO REQUEST FOR PRODUCTION NO. 57: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request because, by seeking the production of "All documents reflecting the meaning or connotation of the POP OF CULTURE mark," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 58:

All documents that relate to, support or negate Applicant's allegations in Paragraph 4 of Applicant's Answer denying the allegations in Paragraph 4 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 58: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 4 of Applicant's Answer denying the allegations in Paragraph 4 of the Notice of Opposition," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 59:

All documents that relate to, support or negate Applicant's allegations in Paragraph 5 of Applicant's Answer denying the allegations in Paragraph 5 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 59: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 5 of Applicant's Answer denying the allegations in Paragraph 5 of the Notice of Opposition," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 60:

All documents that relate to, support or negate Applicant's allegations in Paragraph 6 of Applicant's Answer denying the allegations in Paragraph 6 of the Notice of Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 60: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 6 of Applicant's Answer denying the allegations in Paragraph 6 of the Notice of Opposition," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 61:

All documents that relate to, support or negate Applicant's allegations in Paragraph 7 of Applicant's Answer denying that "[t]he registration of Applicant's POP OF CULTURE [M]ark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods and services offered under the POP OF CULTURE Mark, and/or to draw a false association, sponsorship, connection, affiliation, or endorsement with Opposer, the CulturePop.com website, and or the CULTUREPOP Intellectual Property."

RESPONSE TO REQUEST FOR PRODUCTION NO. 61: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's

allegations in Paragraph 7 of Applicant's Answer," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 62:

All documents that relate to, support or negate Applicant's allegations in Paragraph 8 of Applicant's Answer denying that "Opposer will be damaged by the registration of the mark shown in the Application, in that such registration gives Applicant a *prima facie* exclusive right to the use of the POP OF CULTURE mark, despite the likelihood of confusion, mistake, and/or deception, and allows Applicant to trade on Opposer's existing goodwill in the CULTUREPOP mark, the CulturePop.com website, and the CULTUREPOP Intellectual Property."

RESPONSE TO REQUEST FOR PRODUCTION NO. 62: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's allegations in Paragraph 8 of Applicant's Answer," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any

other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 63:

All documents that relate to, support or negate Applicant's denial in the Answer that "Opposer is entitled to any relief."

RESPONSE TO REQUEST FOR PRODUCTION NO. 63: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's denial in the Answer that 'Opposer is entitled to any relief,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 64:

All documents that relate to, support or negate Applicant's Affirmative Defense(s) as stated in Applicant's Answer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 64: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's Affirmative Defense(s) as stated in Applicant's Answer,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 65:

All documents that relate to, support or negate Applicant's alleged intellectual property rights in the POP OF CULTURE Marks, or any other marks including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 65: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's alleged intellectual property rights in the POP OF CULTURE Marks, or any other marks including the terms POP or CULTURE,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this

Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 66:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture."

RESPONSE TO REQUEST FOR PRODUCTION NO. 66: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the wording POP and CULTURE are descriptive when used in connection with services on the subject of pop culture,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 67:

All documents that relate to, support or negate Applicant's contention in its May 18,

2012 letter that "any variation between marks that contain both POP and CULTURE will be sufficient to avoid confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 67: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'any variation between marks that contain both POP and CULTURE will be sufficient to avoid confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 68:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark "is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE- formative marks."

RESPONSE TO REQUEST FOR PRODUCTION NO. 68: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not

identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP Mark 'is further weakened by its presence within a crowded field of companies that offer online services using POP CULTURE-formative marks,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 69:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the CULTUREPOP mark is entitled to, at best, a narrow scope of protection."

RESPONSE TO REQUEST FOR PRODUCTION NO. 69: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the CULTUREPOP mark is entitled to, at best, a

narrow scope of protection,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 70:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 70: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the marks POP OF CULTURE and CULTUREPOP each create a unique commercial impression sufficient to avoid confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 71:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "consumers are not likely to be confused as to the source of services offered under the respective marks."

RESPONSE TO REQUEST FOR PRODUCTION NO. 71: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'consumers are not likely to be confused as to the source of services offered under the respective marks,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 72:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 72: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in

an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that 'the parties' core services represented by each mark are sufficiently dissimilar to avoid confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 73:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that "the source of services offered under our POP OF CULTURE mark--E! Entertainment Television--will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion."

RESPONSE TO REQUEST FOR PRODUCTION NO. 73: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's

contention in its May 18, 2012 letter that 'the source of services offered under our POP OF CULTURE mark--E! Entertainment Television--will always be readily apparent to consumers thereby eliminating the possibility of consumer confusion,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 74:

All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP mark is "conceptually and commercially weak."

RESPONSE TO REQUEST FOR PRODUCTION NO. 74: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by seeking the production of "All documents that relate to, support or negate Applicant's contention in its May 18, 2012 letter that the CULTUREPOP mark is 'conceptually and commercially weak,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this

Request as drafted.

REQUEST FOR PRODUCTION NO. 75:

All documents evidencing, reflecting, or relating to any alleged additional federal registrations and/or pending applications owned by Applicant for marks related to, derived from, or including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 75: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 76:

All documents that relate to, support or negate Applicant's belief that it may sell or offer products or services under the names or trademarks POP OF CULTURE or any other trademark or name related to, derived from, or including the terms POP or CULTURE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 76: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because, by

seeking the production of "All documents that relate to, support or negate Applicant's belief that it may sell or offer products or services under the names or trademarks POP OF CULTURE or any other trademark or name related to, derived from, or including the terms POP or CULTURE,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Accordingly, Applicant will not produce documents in response to this Request as drafted.

REQUEST FOR PRODUCTION NO. 77:

All documents relating to any third party use on which Applicant intends to rely, including documents sufficient to show: the goods or services for which such marks are used, a description of the scope of use and recognition of each such mark, the amount of sales and/or revenue generated from each third party mark, and the amount spent to market, promote or advertise each third party mark for the last five years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks documents that are publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source. In addition, Applicant objects to this Request to the extent it seeks the production of information and/or documents not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Moreover, Applicant objects to this Request to the extent it seeks documents that are protected

by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Finally, Applicant objects to this Request because, by seeking the production of "All documents relating to any third party use on which Applicant intends to rely,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 78:

All royalty statements or other documents reflecting revenue earned or generated from the offering of services under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 18 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All royalty statements or other documents reflecting revenue earned or generated from the offering of services under the POP OF CULTURE Marks,'" it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

REQUEST FOR PRODUCTION NO. 79:

All Nielsen ratings and market research for the services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 79: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 14 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All Nielsen ratings and market research for the services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 80:

All documents relating to any research of any kind concerning the viewership, recording, or popularity of the services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this

Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 14 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to any research of any kind concerning the viewership, recording, or popularity of the services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Subject to and without waiving its General and Specific Objections, Applicant will produce non-privileged documents responsive to this Request, to the extent that such documents exist, are within Applicant's possession, custody, or control, and can be located after a reasonable search.

REQUEST FOR PRODUCTION NO. 81:

All documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices.

RESPONSE TO REQUEST FOR PRODUCTION NO. 81: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this Request because it is duplicative of Request No. 10 and, therefore, seeks cumulative documents. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to streaming or broadcasting of services offered under the POP OF CULTURE Marks on the internet or to mobile devices," it is overly broad, unduly burdensome, oppressive, and

needlessly seeks cumulative information and documents.

REQUEST FOR PRODUCTION NO. 82:

All documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 82: Applicant objects to this Request to the extent it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant also objects to this Request to the extent it does not identify the documents sought with reasonable particularity. Applicant further objects to this Request to the extent it seeks irrelevant documents not reasonably calculated to lead to the discovery of admissible evidence. Moreover, Applicant objects to this Request because, by seeking the production of "All documents relating to advertising revenue generated, earned, or paid for or relating to services offered under the POP OF CULTURE Marks," it is overly broad, unduly burdensome, oppressive, and needlessly seeks cumulative information and documents.

Dated: this 11th day of July, 2014.

LEWIS ROCA ROTHGERBER LLP

By: _____

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Attorneys for Applicant
E! Entertainment Television, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2014, I served a true and accurate copy of the foregoing document entitled, APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION TO APPLICANT and documents Bates labeled E-000001 through E-000324, by first-class, United States mail, upon the following counsel for Opposer:

Paul Bost, Esq.
Jill M. Pietrini, Esq.
Whitney Walters, Esq.
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

/s/ Rebecca J. Contla
An employee of Lewis and Roca LLP

EXHIBIT M

RECEIVED
JUL 14 2014
SHEPPARD MULLIN RICHTER & HAMPTON LLP
TRADEMARK DEPARTMENT

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

OVATION, LLC, a Delaware limited liability company, Opposer, v. E! ENTERTAINMENT TELEVISION, LLC, a Delaware limited liability company, Applicant.	Opposition No. 91210506 Mark: POP OF CULTURE Serial No. 85/569798

APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC

Applicant E! Entertainment Television, LLC ("Applicant" and/or "E!") hereby amends and supplements its objections and responses to Opposer's First Set of Request for Admission to Applicant (the "Requests"), as follows:

GENERAL OBJECTIONS

Applicant makes the following General Objections to the Requests. Each of these General Objections is incorporated into the Specific Objections and Responses set forth below, whether or not separately set forth therein.

1. Applicant objects to each Request as unduly burdensome and oppressive on the grounds that it purports to require Applicant to search Applicant's facilities and inquire of Applicant's employees other than those facilities and employees that would reasonably be expected to have responsive documents. Applicant's responses are based upon: (A) a reasonable search, given the time allocated to Applicant to respond to the Requests, of facilities and files that could reasonably be expected to contain responsive documents; and (B) inquiries of

Applicant's employees and/or representatives who could reasonably be expected to possess responsive documents. The subject matter of these Requests is under continuing investigation. Applicant will respond to these Requests with current knowledge and reserves the right to supplement these responses if any additional information is identified at a later time and to make any additional objections that may become apparent. Applicant expressly reserves the right to make any use of, or introduce at any hearing or at trial, any information not known of or thought to be responsive at the time of response.

2. Specific objections to each Request are made on an individual basis below. Applicant expressly incorporates each of the General Objections to each specific Response as if set forth in full therein. The Specific Objections are submitted without prejudice to, and without any waiver of, the General Objections not expressly set forth in the specific Response. The assertion of any objection to any Request is neither intended as, nor shall in any way be deemed, a waiver of Applicant's right to assert that or any other objection at a later date.

3. No incidental or implied admission is intended by any Response. Applicant's answer or objection to any Request should not be taken as an admission that Applicant accepts or admits the existence of any "facts" set forth or assumed by such Request. An answer to part or all of any Request is not intended to be, and shall not be construed to be, a waiver of any part of any objection to the Request.

4. Applicant objects to each Request, and their Definitions, to the extent that they purport to impose upon Applicant any obligations that differ from, or exceed, those required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Trademark Rules, the TBMP, and/or any other rules of the Board, any other applicable rules or law, or any of the parties' agreements.

5. Applicant objects to each Request to the extent that it seeks information that is

protected by the attorney/client privilege, the work product doctrine, the joint defense privilege, the common interest privilege, and/or any other applicable privilege or immunity. Any disclosure of such protected and privileged information is inadvertent and is not intended to waive those privileges or protections.

6. Applicant objects to each Request to the extent it seeks information that consist of or contain proprietary business information, trade secrets, or other confidential information. Applicant will not disclose any such information until a suitable Protective Order is entered in this case, or until the parties have reached an interim agreement regarding the treatment of confidential information.

7. Applicant objects to the Requests to the extent that they call for information that is neither relevant to the parties' claims and defenses nor reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to the Requests to the extent that they seek information that is publicly available and therefore obtainable from a more convenient, less burdensome, and/or less expensive source.

9. Applicant objects to the Requests to the extent that they are overbroad, unduly burdensome, oppressive or seek information that is beyond the scope of discovery under the Federal Rules of Civil Procedure or purport to require Applicant to search facilities or inquire of employees other than those facilities and employees that would reasonably be expected to have responsive information.

10. Applicant objects to the Requests to the extent that they seek disclosure of information protected by any right to privacy, under confidentiality obligations, or subject to protective orders pursuant to Rule 26(c) of the Federal Rules of Civil Procedure or other confidentiality agreements entered into by Applicant.

11. Applicant objects to the Requests to the extent that they call for information not reasonably available to, or the identification of, documents not within the possession, custody, or control of Applicant. The responses given herein are based on information reasonably available to Applicant and the documents within Applicant's possession, custody, or control, including Applicant's knowledge of the same.

12. Applicant objects to each Request to the extent that it seeks information from a time period that is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

13. Applicant objects to each Request to the extent that it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant will interpret the terms and phrases used in those Requests as those terms and phrases are understood to Applicant.

14. Applicant objects to each Request to the extent that it seeks specific categories of information relating to the activities of Applicant's customers and/or suppliers. In most instances, the requested information is not maintained by Applicant. Although it is possible that one or more Applicant's employees has some limited understanding of supplier and/or customer activities on an ad hoc basis, locating and gathering responsive information would be unduly burdensome. In the event the Requests seek information that is maintained in a reasonably accessible fashion and identifiable by Applicant, and the Requests are not objectionable on other grounds, Applicant will provide responsive information.

15. Applicant objects to each Request to the extent it seeks Applicant's contentions at this time and is thereby premature.

16. Applicant objects to Opposer's definition of "The POP OF CULTURE Application" and use of "E POP OF CULTURE Mark" because those phrases are vague,

ambiguous, and/or inaccurate. Applicant will respond to these Requests based on the information and documents reasonably available to Applicant.

17. Applicant objects to each Request to the extent it seeks information relating to activities beyond the scope of this case.

18. Applicant objects to each Request to the extent it does not identify the information it seeks with reasonable particularity.

19. Applicant objects to each Request to the extent it is inconsistent with any of the parties stipulations and/or agreements concerning the conduct of discovery in this proceeding.

20. Applicant objects to these Requests to the extent the burden or expense of answering any of these Requests outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the important of the issues at stake, and the importance of the Requests in resolving the issues.

SPECIFIC OBJECTIONS AND ANSWERS

REQUEST FOR ADMISSION NO. 1:

Opposer is a television network with programming devoted to art.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Opposer is a television network with programming devoted to culture.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Admitted.

REQUEST FOR ADMISSION NO. 3:

Opposer began using the CULTUREPOP Mark for website services at least as early as August 2010.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 4:

The date of first use of the CULTUREPOP Mark precedes the filing date of the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 5:

The date of first use of the CULTUREPOP Mark precedes the filing date of the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 6:

Opposer developed common law rights in CULTUREPOP which predate the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Applicant objects to this request because, by seeking information regarding two trademark applications not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Applicant further objects to this request to the extent that it calls for a legal conclusion regarding Opposer's alleged rights.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 7:

Opposer developed common law rights in CULTUREPOP which predate the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Applicant objects to this request because, by seeking information regarding two trademark applications not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Applicant further objects to this request to the extent that it calls for a legal conclusion regarding Opposer's alleged rights.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 8:

Since the date of first use, Opposer has been using the CULTUREPOP Mark continuously in commerce for a variety of goods and services.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 9:

Opposer uses the CULTUREPOP Mark in connection with television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Admitted.

REQUEST FOR ADMISSION NO. 10:

Opposer uses the CULTUREPOP Mark in connection with website services.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states Opposer is presently using the CULTUREPOP Mark on a website.

REQUEST FOR ADMISSION NO. 11:

Opposer uses the CULTUREPOP Mark for downloadable electronic publications.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 12:

Opposer has used the CULTUREPOP Mark in connection with television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Admitted.

REQUEST FOR ADMISSION NO. 13:

Opposer has used the CULTUREPOP Mark in connection with website services.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states Opposer is presently using the CULTUREPOP Mark on a website.

REQUEST FOR ADMISSION NO. 14:

Opposer has used the CULTUREPOP Mark for downloadable electronic publications in the nature of e-newsletters.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Applicant has made reasonable inquiry and the information presently known or readily

obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 15:

Opposer has used the CULTUREPOP Mark for guides in the field of arts.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 16:

Opposer has used the CULTUREPOP Mark for guides in the field of culture.

RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 17:

Opposer has used the CULTUREPOP Mark for guides in the field of entertainment.

RESPONSE TO REQUEST FOR ADMISSION NO. 17:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 18:

Opposer has used the CULTUREPOP Mark in connection with a website featuring information about arts.

RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 19:

Opposer has used the CULTUREPOP Mark in connection with a website featuring

information about culture.

RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Opposer is presently using the CULTUREPOP Mark on a website, which presently contains information about culture.

REQUEST FOR ADMISSION NO. 20:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (e.g., e-newsletters and guides in the field of arts featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 21:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (e.g., e-newsletters and guides in the field of culture featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 22:

Opposer has used the CULTUREPOP Mark in connection with providing non-downloadable electronic publications (e.g., e-newsletters and guides in the field of entertainment featuring recommendations, trivia questionnaires, news, recipes, and opinion polls).

RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 23:

Opposer has used the CULTUREPOP Mark in connection with creating blogs.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 24:

Opposer has used the CULTUREPOP Mark in connection with maintaining blogs.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 25:

Opposer has used the CULTUREPOP Mark for entertainment in the nature of television programs offered on websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 25:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant admits that Opposer has used the CULTUREPOP Mark for a television series, episodes of which are viewable on a website

REQUEST FOR ADMISSION NO. 26:

Opposer has used the CULTUREPOP Mark for the production of television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 27:

Opposer has used the CULTUREPOP Mark for the distribution of television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 28:

Opposer has used the CULTUREPOP Mark for the production of entertainment events.

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 29:

Opposer has used the CULTUREPOP Mark for the distribution of entertainment events.

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 30:

Opposer has used the CULTUREPOP Mark for providing entertainment information regarding television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Applicant admits that Opposer has used the CULTUREPOP Mark for a television program. Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portion of this request.

REQUEST FOR ADMISSION NO. 31:

Opposer has used the CULTUREPOP Mark for providing artists and performers information regarding television programs.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 32:

Opposer has used the CULTUREPOP Mark for providing arts events information.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 33:

Opposer has used the CULTUREPOP Mark for providing newsworthy events information.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 34:

Opposer has used the CULTUREPOP Mark for providing information regarding television personalities.

RESPONSE TO REQUEST FOR ADMISSION NO. 34:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 35:

Opposer has used the CULTUREPOP Mark in connection with television programming services.

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 36:

Opposer has used the CULTUREPOP Mark for entertainment in the nature of television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 36:

Admitted.

REQUEST FOR ADMISSION NO. 37:

Opposer has used the CULTUREPOP Mark in connection with cable television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 37:

Admitted.

REQUEST FOR ADMISSION NO. 38:

Opposer has used the CULTUREPOP Mark in connection with satellite television programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 38:

Admitted.

REQUEST FOR ADMISSION NO. 39:

Opposer has used the CULTUREPOP Mark in connection with internet programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 39:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 40:

Opposer has used the CULTUREPOP Mark in connection with multimedia programming.

RESPONSE TO REQUEST FOR ADMISSION NO. 40:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 41:

Opposer has used the CULTUREPOP Mark in connection with programming via wireless networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 41:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 42:

Opposer has used the CULTUREPOP Mark in connection with programming via mobile networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 42:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 43:

Opposer has used the CULTUREPOP Mark in connection with providing online journals, namely, blogs in the field of entertainment.

RESPONSE TO REQUEST FOR ADMISSION NO. 43:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 44:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via the internet.

RESPONSE TO REQUEST FOR ADMISSION NO. 44:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 45:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via mobile networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 45:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 46:

Opposer has used the CULTUREPOP Mark in connection with the provision of news and information via wireless networks.

RESPONSE TO REQUEST FOR ADMISSION NO. 46:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 47:

Opposer promotes the CULTUREPOP Mark on-air.

RESPONSE TO REQUEST FOR ADMISSION NO. 47:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers

and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 48:

Opposer promotes the CULTUREPOP Mark on the Ovation television channel.

RESPONSE TO REQUEST FOR ADMISSION NO. 48:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 49:

Opposer promotes the CULTUREPOP Mark through websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 49:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant admits that Opposer uses the CULTUREPOP Mark on one of Opposer's website. Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 50:

Opposer promotes the CULTUREPOP Mark through social media.

RESPONSE TO REQUEST FOR ADMISSION NO. 50:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 51:

Opposer promotes the CULTUREPOP Mark through word of mouth.

RESPONSE TO REQUEST FOR ADMISSION NO. 51:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 52:

Opposer has promoted the CULTUREPOP Mark on-air.

RESPONSE TO REQUEST FOR ADMISSION NO. 52:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 53:

Opposer has promoted the CULTUREPOP Mark on the Ovation television channel.

RESPONSE TO REQUEST FOR ADMISSION NO. 53:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 54:

Opposer has promoted the CULTUREPOP Mark through websites.

RESPONSE TO REQUEST FOR ADMISSION NO. 54:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant admits that Opposer uses the CULTUREPOP Mark on one of Opposer's website. Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny the remaining portions of this request.

REQUEST FOR ADMISSION NO. 55:

Opposer has promoted the CULTUREPOP Mark through social media.

RESPONSE TO REQUEST FOR ADMISSION NO. 55:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 56:

Opposer has promoted the CULTUREPOP Mark through word of mouth.

RESPONSE TO REQUEST FOR ADMISSION NO. 56:

Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 57:

The Ovation television channel has received media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 57:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 58:

The Ovation television channel has received significant media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 58:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 59:

The CulturePop.com website has received media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 59:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 60:

The CulturePop.com website has received significant media attention.

RESPONSE TO REQUEST FOR ADMISSION NO. 60:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 61:

August 2010 predates Applicant's selection the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 61:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 62:

August 2010 predates Applicant's selection the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 62:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding

trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 63:

August 2010 predates Applicant's first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 63:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 64:

August 2010 predates Applicant's first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 64:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 65:

August 2010 predates the date that the E POP OF CULTURE Application was filed.

RESPONSE TO REQUEST FOR ADMISSION NO. 65:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request because the term "E POP OF CULTURE Application" is undefined, vague, and/or ambiguous.

Subject to and without waiving its General and Specific Objections, Applicant admits that August 2010 predates May 20, 2013, the date on which Application Serial Nos. 85/937/423 and 85/937/399 were filed for the E POP OF CULTURE mark. Applicant admits that August 2010 predates March 14, 2012, the date on which Application Serial No. 85/569,798 was filed for the POP OF CULTURE mark.

REQUEST FOR ADMISSION NO. 66:

August 2010 predates the date that the E POP OF CULTURE Applications were filed.

RESPONSE TO REQUEST FOR ADMISSION NO. 66:

Applicant objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant answers and states: Applicant admits that August 2010 predates May 20, 2013, the date on which Application Serial Nos. 85/937/423 and 85/937/399 were filed for the E POP OF CULTURE mark.

REQUEST FOR ADMISSION NO. 67:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 67:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 68:

Applicant was aware of use of the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 68:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 69:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 69:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE

Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 70:

Applicant was aware of use of the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 70:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 71:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 71:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of

admissible evidence.

REQUEST FOR ADMISSION NO. 72:

Applicant was aware of use of the CULTUREPOP Mark prior to filing the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 72:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 73:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 73:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 74:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its selection of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 74:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 75:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 75:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 76:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to its first use of the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 76:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE

Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 77:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 77:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 78:

Applicant was aware of the pending application to register the CULTUREPOP Mark prior to filing the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 78:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner. Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 79:

Opposer's trademark CULTUREPOP is famous.

RESPONSE TO REQUEST FOR ADMISSION NO. 79:

Denied.

REQUEST FOR ADMISSION NO. 80:

Opposer's trademark CULTUREPOP is well-known.

RESPONSE TO REQUEST FOR ADMISSION NO. 80:

Denied.

REQUEST FOR ADMISSION NO. 81:

Opposer has built up a valuable goodwill in connection with its CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 81:

Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 82:

The channels of trade of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 82:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or

control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 83:

The channels of trade of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 83:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 84:

The channels of marketing of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 84:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 85:

The channels of marketing of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 85:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 86:

The targeted demographic of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 86:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 87:

The targeted demographic of the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 87:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 88:

The nature of the content associated with the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 88:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or

readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 89:

The nature of the content associated with the CULTUREPOP Mark and the E POP OF CULTURE Mark are similar.

RESPONSE TO REQUEST FOR ADMISSION NO. 89:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

Subject to and without waiving its General and Specific Objections, Applicant answers and states that Applicant has made reasonable inquiry and the information presently known or readily obtainable by Applicant is insufficient to enable Applicant to admit or deny this request.

REQUEST FOR ADMISSION NO. 90:

The E POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 90:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding

trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 91:

The E POP OF CULTURE Mark is similar in appearance to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 91:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 92:

The E POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 92:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant also objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 93:

The E POP OF CULTURE Mark is similar in sound to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 93:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 94:

The E POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 94:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

REQUEST FOR ADMISSION NO. 95:

The E POP OF CULTURE Mark is similar in connotation to Opposer's CULTUREPOP

Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 95:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

REQUEST FOR ADMISSION NO. 96:

The E POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 96:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 97:

The E POP OF CULTURE Mark is similar in commercial impression to Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 97:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 98:

Applicant is aware of the existence of instances of actual confusion between the E POP OF CULTURE Mark and the CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 98:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 99:

Applicant is aware of the existence of actual confusion between the E POP OF CULTURE Mark and the CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 99:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE

Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 100:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the goods set forth in the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 100:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark" and "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 101:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the services set forth in the E POP OF CULTURE Application.

RESPONSE TO REQUEST FOR ADMISSION NO. 101:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark" and "E POP OF CULTURE Application." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 102:

Applicant has not used the E POP OF CULTURE Mark in connection with all of the goods set forth in the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 102:

Applicant objects to this request because it is duplicative of Request No. 100. Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 103:

Applicant has not used the E POP OF CULTURE Mark in connection with all of services set forth in the E POP OF CULTURE Applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 103:

Applicant objects to this request because it is duplicative of Request No. 101. Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 104:

Applicant conducted a trademark search for the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 104:

Applicant objects to this request because it uses words and phrases that are vague,

ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 105:

Applicant conducted a trademark search for the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 105:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 106:

Opposer and Applicant have no written agreement with each other of any kind.

RESPONSE TO REQUEST FOR ADMISSION NO. 106:

Applicant objects to this request because, by seeking information regarding any agreement of any kind, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General and Specific Objections, Applicant admits that the parties have no written agreement between them regarding the use of either the CULTUREPOP Mark or the POP OF CULTURE Marks.

REQUEST FOR ADMISSION NO. 107:

Opposer and Applicant have no oral agreement with each other of any kind.

RESPONSE TO REQUEST FOR ADMISSION NO. 107:

Applicant objects to this request because, by seeking information regarding any agreement of any kind, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its General and Specific Objections, Applicant admits that the parties have no oral agreement between them regarding the use of either the CULTUREPOP Mark or the POP OF CULTURE Marks.

REQUEST FOR ADMISSION NO. 108:

Opposer did not authorize Applicant to use the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 108:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant also objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to this request as assuming that Applicant required Opposer's authorization to use E POP Of CULTURE mark and/or that Applicant has in fact used the E POP OF CULTURE mark. Applicant further objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control.

REQUEST FOR ADMISSION NO. 109:

Opposer did not authorize Applicant to use the E POP OF CULTURE Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 109:

Applicant objects to this request because it is duplicative of the previous request. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, Applicant objects to this request as assuming that Applicant required Opposer's authorization to use E POP OF CULTURE mark and/or that Applicant has in fact used the E POP OF CULTURE mark. Moreover, Applicant objects to this request to the extent it seeks information not reasonably available to Applicant and/or not within Applicant's possession, custody, or control. Subject to and without waiving its General and Specific Objections, Applicant answers and states: Applicant admits it does not have authorization from Opposer to use the E POP OF CULTURE Mark because Applicant does not need authorization to use its own E POP OF CULTURE Mark.

REQUEST FOR ADMISSION NO. 110:

Opposer did not authorize Applicant to use Opposer's CULTUREPOP Mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 110:

Applicant objects to this request because, by seeking information regarding a mark that Applicant did not use, this request is overbroad, misleading, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving its General and Specific Objections, Applicant admits it did not have authorization from Opposer to use the CULTUREPOP Mark because Applicant did not use the CULTUREPOP Mark.

REQUEST FOR ADMISSION NO. 111:

The E POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 111:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 112:

The E POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 112:

Applicant objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 113:

The E POP OF CULTURE Mark is not descriptive of the goods offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 113:

Applicant objects to this request because it is duplicative of Request No. 111. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 114:

The E POP OF CULTURE Mark is not descriptive of the services offered by Applicant under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 114:

Applicant objects to this request because it is duplicative of Request No. 112. Applicant also objects to this request because it uses words and phrases that are vague, ambiguous, and/or not defined in an understandable manner, including "E POP OF CULTURE Mark." Applicant further objects to this request because, by seeking information regarding trademarks that are not at issue in this proceeding, this request is overbroad and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 115:

The CULTUREPOP mark is not descriptive of the services offered by Opposer under the mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 115:

Denied.

REQUEST FOR ADMISSION NO. 116:

The U.S. Patent and Trademark Office did not refuse registration of the CULTUREPOP mark based on descriptiveness.

RESPONSE TO REQUEST FOR ADMISSION NO. 116:

Admitted.

REQUEST FOR ADMISSION NO. 117:

Opposer did not claim the benefit of Section 2(f) of the Lanham Act in seeking registration of the CULTUREPOP mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 117:

Admitted.

Dated: this 11th day of July, 2014.

LEWIS ROCA ROTHGERBER LLP

By: _____

Michael J. McCue
Jonathan W. Fountain
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
(Tel.) 702-949-8200
(Fax) 702-949-8398

Attorneys for Applicant
E! Entertainment Television, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2014, I served a true and accurate copy of the foregoing document entitled, APPLICANT'S FIRST AMENDED AND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT E! ENTERTAINMENT TELEVISION, LLC, by first-class, United States mail, upon the following counsel for Opposer:

Paul Bost, Esq.
Jill M. Pietrini, Esq.
Whitney Walters, Esq.
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

/s/ Rebecca J. Contla
An employee of Lewis and Roca LLP

EXHIBIT N

Paul Bost

From: Fountain, Jonathan <JFountain@lrrlaw.com>
Sent: Wednesday, September 17, 2014 10:42 AM
To: Paul Bost
Cc: McCue, Michael; Jill Pietrini; Beth Anderson; Ben Aigboboh
Subject: RE: Ovation v. E!

Hi Paul:

We agree to (1) below.

With respect to (2) below, I do not recall stating that E! would serve supplemental discovery responses by 7/22 or 8/1. I do recall telling you that I am working with E! to see if we can supplement, and we are continuing to do so. I note that you have asked for supplemental responses with respect to 35 document requests, 12 interrogatories, and 21 requests for admissions, and have not agreed to narrow the scope of any of these overly broad requests. We are continuing to work with E! to see if/when we can supplement and we will get back to you and/or Mr. Aigboboh as soon as possible.

Best regards,

Jonathan

From: Paul Bost [mailto:PBost@sheppardmullin.com]
Sent: Wednesday, September 17, 2014 8:01 AM
To: Fountain, Jonathan
Cc: McCue, Michael; Jill Pietrini; Beth Anderson; Ben Aigboboh
Subject: Ovation v. E!

Hi, Jonathan.

A few things:

(1) Given that Ovation's motion to consolidate the proceedings is pending, we think it makes sense to table the parties' discovery conference in the E POP OF CULTURE proceedings until the motion is decided. Please let us know if you agree.

(2) We have not received any supplemental discovery responses from E! pursuant to our conversation on July 22, 2014. You had advised at the time that E! would supplement its responses by July 25 or, at the latest, August 1. Thus, these responses are past due. Please confirm that you will serve supplement responses by Monday, September 22, 2014.

(3) I will soon be on paternity leave, so please copy Ben Aigboboh on all correspondence in this matter.

Thanks,

Paul

Paul Bost

310.228.2249 | direct
310.228.3960 | direct fax
PBost@sheppardmullin.com | Bio

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