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

Proceeding	91220573
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**MISS UNIVERSE L.P., LLLP,**

**Opposer,**

**v.**

**LINDA GRANDIA,**

**Applicant.**

**Opposition No.: 91220573**

**OPPOSER’S MOTION TO COMPEL APPLICANT’S RESPONSES TO DOCUMENT  
REQUESTS AND INTERROGATORIES**

**I. Introduction**

Pursuant to TBMP §523, Miss Universe L.P., LLLP (“Opposer”) hereby moves the Board for an order (1) compelling Applicant to provide documents and information and proper responses to discovery requests propounded by Opposer in the above captioned proceeding and (2) suspending the above referenced opposition proceeding with respect to all matters not germane to the motion, pursuant to 37 CFR §2.120 (e), including a corresponding extension of all discovery and testimony periods. This motion is timely pursuant to TBMP §523.03, as the first testimony period has not yet commenced and Applicant’s counsel has met her meet and confer obligations pursuant to TBMP §523.02, as set forth herein.

**II. History of Proceedings To Date**

Opposer filed a Notice of Opposition in this proceeding on February 11, 2015 on the basis of priority and that Applicant’s MISS MULTIVERSE mark is likely to confuse consumers and dilute the strength of Opposer’s MISS UNIVERSE marks. Applicant filed its Answer on July 6, 2015 denying Opposer’s allegations and asserting the following affirmative defenses: (1) Opposer failed to state a claim upon which relief may be granted; (2) Applicant’s conduct was proper under the “competition privilege”; (3) Applicant’s conduct was neither unlawful nor unfair; (4) Applicant is exercising lawful intellectual property rights; (5)

Opposer lacks standing; (6) Applicant's actions were based upon independent, legitimate business and economic justifications; (7) Applicant's actions were undertaken in good faith to accomplish legitimate business objectives; (8) Opposer has not sustained legally cognizable damages; and (9) Opposer's marks lack secondary meaning. Counsel for the respective parties held a discovery conference in August 2015. On September 2, 2015, Applicant's counsel of record filed a motion to withdraw and the Board approved Applicant's pro se request. The parties exchanged Initial Disclosures in September 2015.

Opposer served Applicant with Requests for the Production of Documents and Things ("Opposer's Document Requests") and Interrogatories ("Opposer's Interrogatories") on November 10, 2015 (collectively, "Opposer's Discovery Requests"), months in advance of the then-scheduled discovery deadline of January 31, 2016. Pursuant to TMBP §403.03, Applicant's deadline to serve responses to Opposer's Discovery Requests was December 15, 2015. Applicant failed or refused to respond to Opposer's Discovery Requests by the required deadline. On December 17, 2015, counsel for Opposer sent Applicant a letter reminding Applicant of her discovery obligations and requesting that Applicant provide responses to Opposer's Discovery Requests by December 21, 2015 and requested her consent to a sixty day extension of the discovery period. On December 20, 2015, Applicant served written responses and objections to Opposer's Discovery Requests and produced approximately thirteen pages of documents. Applicant refused to consent to a sixty day extension of time and stipulated only to a thirty day extension of discovery and trial dates. The Board granted the parties' stipulated request to extend all deadlines thirty days on December 21, 2015. Applicant thereafter served Opposer with Requests for Admission to which Opposer timely responded.

Via letter dated January 12, 2016, Opposer's counsel detailed the many deficiencies with Applicant's responses to Opposer's Discovery Requests and requested appropriate responses and the production of all responsive documents by January 20, 2016. On January 19, 2016, Applicant provided "revised" responses and objections to Opposer's Discovery Requests, which were equally as improper and deficient as Applicant's initial responses, together with two additional pages of documents.

Counsel for Opposer thereafter sent Applicant an email informing her that the supplemental responses and objections to Opposer's Discovery Requests were not in accordance with the requirements of the TTAB

and Federal Rules. Opposer requested that Applicant consent to a sixty day extension of the discovery period in order for the parties to meet and confer to attempt to resolve the discovery issues. Applicant responded the same day in an email wherein she rejected the request to meet and confer and denied to consent to any extension of the existing TTAB deadlines. On January 29, 2016, more than one month prior to the then-scheduled close of discovery, Opposer moved the Board to extend discovery and trial dates for sixty days and requested an order suspending the proceeding with respect to all matters not germane to the motion. Applicant opposed the motion, which was granted by the Board via an order dated March 10, 2016.<sup>1</sup>

Via letter dated March 15, 2016, Opposer's counsel sent Applicant a letter detailing the many deficiencies with Applicant's "revised" responses to Opposer's Discovery Requests and requested appropriate responses and the production of all responsive documents by March 30, 2016. On March 30, 2016, Opposer via email extended the deadline for Applicant to provide appropriate responses and the production of all responsive documents until April 4, 2016. Applicant failed or refused to provide any responses or responsive documents by the April 4 deadline.

Without the requested information and documents, it is impossible for Opposer to prepare its claims and depose Applicant's witnesses. Therefore, Opposer seeks an Order directing that Applicant must serve proper written responses and responsive documents no later than ten (10) days after the Board's Order. Opposer also seeks an extension of sixty days extending the expert disclosure and corresponding deadlines from the date of the Boards order on this motion.

### **III. Good Faith Effort to Resolve Discovery Disputes**

As detailed in the preceding section, Opposer's counsel has made a good faith effort to resolve the outstanding discovery disputes with Applicant as required by 37 CFR §2.120(e) and TBMP §523.02, to no avail. In particular, on December 17, 2015, after Applicant failed to timely respond to Opposer's Discovery Requests, Opposer's counsel sent a letter to Applicant specifically setting forth Applicant's failure to respond and requesting responses and the production of documents. Applicant responded via email dated December

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<sup>1</sup> On March 16, 2016, Applicant served Opposer with Requests for Interrogatories, Requests for the Production of Documents and Revised Requests for Admission.

20, 2015 and provided responses and objections to Opposer's Discovery Requests, including thirteen pages of documents. On January 12, 2016, Opposer's counsel sent a letter to Applicant detailing the deficiencies with the responses and production, again asking for complete responses and production of documents withheld on the basis of confidential information or otherwise no later than January 21, 2016. Applicant thereafter provided supplemental responses and objections to Opposer's Discovery Requests but failed to address most, if not all, deficiencies outlined in Opposer's January 12, 2016 letter. On January 29, 2016, counsel for Opposer sent email correspondence to Applicant advising her that her supplemental responses remained deficient, and requested that Applicant consent to a sixty day extension of the existing deadlines, including the discovery period, in order for the parties to meet and confer. Applicant denied to consent to any extension of time and rejected Opposer's counsel's attempt to engage in further discussion regarding her discovery obligations. Opposer subsequently moved this Board for an order extending all remaining dates in the proceeding, which was granted via order dated March 10, 2016. Opposer's counsel thereafter again requested, via letter dated March 15, 2016, that Applicant provide complete responses and production of documents no later than March 30, 2016. Upon Applicant's request via email for additional time to respond to Opposer's Discovery Requests, Opposer extended the requested deadline for appropriate responses and the production of all responsive documents to April 4, 2016. *See* correspondence attached as Exhibit A. To date, Applicant has not provided proper responses or produced responsive documents in response to Opposer's Discovery Requests.

Opposer's counsel has therefore been diligent in her attempts to resolve its discovery disputes with Applicant, but the parties have not been able to resolve the disputes. Consequently, it is necessary for Opposer to move to compel appropriate discovery responses from Applicant and request a suspension of the proceeding pending the disposition of this motion.

#### **IV. Argument**

It has become apparent that Applicant refuses to produce any meaningful discovery and has apparently taken the position that she need not provide information to Opposer. Applicant has not met her obligation to "thoroughly search [her] records for all information properly sought in [each discovery] request"

as required by TBMP §408.02. Opposer therefore seeks an Order from the Board directing Applicant to provide appropriate and complete responses and to produce all responsive documents to the Interrogatories and Document Requests identified below.

**A. Applicant's Responses to Opposer's Document Requests and Interrogatories**

Opposer served Applicant with 40 Document Requests and 44 Interrogatories on November 10, 2015, seeking information and documents regarding the parties' claims and defenses in this matter, including, for example, Applicant's alleged use and planned use of the mark at issue in this proceeding, the goods and services in connection with which Applicant alleges she has used the mark or intends to use the MISS MULTIVERSE mark, Applicant's selection and adoption of the mark (including her knowledge of Opposer and its marks and other marks Applicant uses or intends to use for related goods and services), instances of actual confusion, and related issues relevant to the likelihood of confusion analysis at issue in this case. *See e.g. In re E.I. Du Pont*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973). Copies of Applicant's initial written responses to Opposer's Discovery Requests are attached hereto as Exhibit B.<sup>2</sup> Copies of Applicant's supplemental written responses to Opposer's Discovery Requests are attached hereto as Exhibit C.

To date, Applicant has failed to provide substantive responses to the Discovery Requests detailed below. Applicant's responses to the Discovery Requests are wholly deficient and provide no guidance as to the basis of Applicant's objections or the existence of responsive documents. Applicant merely states various boilerplate responses without indicating whether she has conducted a reasonable search or whether responsive documents exist in response to most of the requests. In numerous responses to the Discovery Requests, Applicant incorrectly alleges that the Document Requests are duplicative of the Interrogatories, and vice versa, and in any event, fails to provide either information in response to the Interrogatories or documents in response to the Document Requests. Applicant fails to even confirm she has performed a diligent search for such documents and does not indicate whether responsive documents

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<sup>2</sup> To reduce the record for the Board's convenience, we do not attach separately Opposer's Document Requests and Interrogatories, but will do so at the direction of the Board if preferable.

exist. Applicant also cannot plausibly allege that the Discovery Requests at issue are not relevant to the parties' claims or defenses. As shown with specificity in more detail below, the information and documents sought by Applicant are properly discoverable pursuant to TBMP § 402.01.

“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.” TBMP §408.02. Despite Applicant's allegation that she has used the MISS MULTIVERSE mark in the U.S. since at least 2012, she has produced only 16 total pages, most of which appear to be documents which are publically discoverable, such as screenshots from the USPTO website for trademarks unrelated to the present proceeding. Opposer's counsel has a good faith belief that Applicant has not met her obligation to thoroughly search documents within her possession and control in response to Opposer's Discovery Requests.

Applicant's written responses to Opposer's Discovery Requests are likewise deficient and provide no guidance as to what responsive documents may exist. “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.” Applicant must also state if 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.” TBMP § 406.04(c); *see, e.g., In re E.I. Du Pont*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973); *see also No Fear, Inc. v. Rule*, 54 U.S.P.Q.2d. 1551, 1555 (T.T.A.B. 2000).

The grounds for objecting to an interrogatory must also be stated with specificity. Any ground not stated in a timely objection may be deemed waived absent good cause. TBMP § 405.04(b); Fed. R. Civ. P. 33(b)(4); *see also Amazon Technologies, Inc. v. Wax*, 93 USPQ2d 1702 (TTAB 2009). A party resisting discovery has the burden to specifically show how each interrogatory or discovery request is overly broad, burdensome or oppressive, as well as to state if responsive documents exist, 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. TBMP § 406.04(c); Fed. R. Civ. P. 34(b)(2)(C); *see e.g. In re E.I. Du Pont*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973); *see also No Fear, Inc. v. Rule*, 54 U.S.P.Q.2d. 1551, 1555 (T.T.A.B. 2000). As such, boilerplate general objections including, without limitation, unsubstantiated claims such as undue burden, overbreadth or lack of relevancy, while producing few documents and answering few interrogatories, are impermissible.

Applicant fails to assert in response to any of the Discovery Requests whether she is withholding documents on the basis of relevance. However, if Applicant is withholding documents on the basis of relevance in response to any of these requests, she must identify the categories of documents withheld with respect to each such request and the rationale as to why such documents are not discoverable. In the alternative, for each such request, Applicant must provide a representation that she conducted a thorough search of documents and information within her control and a representation that no responsive documents exist.

Opposer will be prejudiced if Applicant does not provide proper responses because, in the absence of definitive answers regarding what documents and information exists, Opposer will not be able to preclude Applicant from relying on evidence to support its case which she refused to provide in response to Opposer's discovery requests. *See* TBMP §523.04 (failure to file motion to compel adequate discovery requests precludes parties from later objecting to sufficiency thereof); FRCP 37 (c)(1) and 37 CFR § 2.120(g)(2). Opposer therefore requests that the Board issue an Order compelling Applicant to provide appropriate written responses to each of Opposer's Discovery Requests detailed below and to search for and produce all responsive documents.

We address Applicant's specific objections and responses to Opposer's specific Interrogatories and Document Requests in turn.

#### **B. Information Regarding Applicant's Adoption of the MISS MULTIVERSE Mark**

Opposer's Discovery Requests seek information regarding Applicant's creation, design, development, adoption, application and/or registration of the mark, name or title MISS MULTIVERSE in connection with beauty pageants and reality television shows about beauty pageants.

In particular, Opposer's Document Request Nos. 1, 2, 7 and 37 seek the following information, respectively:

1. All Documents and things which relate or refer to Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark, including but not limited to any investigations or searches, and all documents which indicate the first date of adoption and use of the MISS MULTIVERSE Mark by Applicant in the United States.

2. Documents and things which relate to any trademark searches performed by Applicant or on its behalf regarding the adoption of the MISS MULTIVERSE Mark, including any opinion letters, if any.

7. All Documents and things which relate or refer to Applicant's application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

37. All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

Similarly, Interrogatory Nos. 8 and 38 request Applicant to:

8. Describe fully the facts and circumstances surrounding Applicant's filing an application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

38. [Identify] All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

In Applicant's initial responses to the Discovery Requests, Applicant objects to these requests on the grounds that such requests seek information that is "publically available" through the USPTO website. Applicant further objects to Document Request No. 2 on the grounds that is overly broad and unduly burdensome. Applicant did not produce any documents or information responsive to these Requests.

Applicant's supplemental response to Document Request No. 2 state only that the "USA trademark have been extensively researched and no grounds to doubt the originality of the trademark have been found" (sic). Applicant fails to identify or produce any documents relating to said research and her written responses provide no meaningful information. Applicant also states in her supplemental responses to Document Request Nos. 1 and 7 that the documents requested "may be readily available within the attached exhibits." Such response is not meaningful and the exhibits referred to consist solely of screenshots from the USPTO website of marks unrelated to this proceeding. Neither Applicant's initial or supplemental responses indicate whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance and/or privilege.

It is well established that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable. *See* TBMP §402.01.

It has been held that the requirement of relevancy must be construed liberally and that discovery should, therefore, be generously allowed unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding.

*Varian Associates v. Fairfield-Noble Corp.*, 188 U.S.P.Q. 581, 583 (T.T.A.B. 1975).

Applicant's creation, design, development, adoption, application and/or registration of the MISS MULTIVERSE mark is squarely at issue in this proceeding. Applicant's objections to these requests are unfounded as it is clear that any non-privileged documents in Applicant's possession relating to Applicant's adoption of and application for the MISS MULTIVERSE mark, which is the subject of this opposition, are relevant to the parties' claims and defenses. Further, any non-privileged documents in Applicant's possession related to Applicant's application and registration of its MISS MULTIVERSE mark at issue in this proceeding are also relevant. *See* TBMP §414 (19).

Applicant's objections are further improper because the USPTO online system will not include facts, circumstances, documents and information regarding Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE mark. In response to these requests, Applicant produced a screenshot of the USPTO website for the MISS MULTIVERSE mark as well as several screenshots from the USPTO website of trademark registrations that are neither at issue in this proceeding nor owned by either Applicant or Opposer. The documents produced by Applicant are irrelevant with respect to the document requests and are therefore non-responsive. Further, the USPTO website does not include any communications, business plans or trademark searches performed regarding adoption of the MISS MULTIVERSE mark, and will not include all facts, circumstances, documents and information regarding Applicant's trademark applications or registrations.

Based on the foregoing, Opposer requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer's Document Request Nos. 1, 2, 7 and 37 and Interrogatory Nos. 8 and 38.

### **C. Information Regarding Applicant's Use of Her MISS MULTIVERSE Mark**

Opposer's Discovery Requests seek information regarding Applicant's use and intended use of the mark, name or title MISS MULTIVERSE in connection with beauty pageants and reality television shows about beauty pageants.

In particular, Opposer's Document Request Nos. 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26 and 27 seek information and documents regarding or relating to Applicant's use or plans to use the MISS MULTIVERSE mark, including the format of Applicant's pageants, program books, broadcasts and/or recordings of Applicant's pageants, sponsors or potential sponsors of Applicant's pageant, venues or intended venues of Applicant's pageants, and videos or broadcasts of Applicant's pageants, as well as information and documents regarding or relating to media coverage and Applicant's current and future marking, advertising and promotion plans for the MISS MULTIVERSE mark.

In Applicant's initial responses to the Discovery Requests, Applicant objects to these requests on the grounds that the requests are irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to many of the requests in both her initial and supplemental responses on the grounds that the requests are overly broad, unduly burdensome or would require undue expense. Applicant further objects to Document Request No. 26 and Interrogatory Nos. 19, 22 and 28 on the grounds that such requests lack a reasonable timeframe. In Applicant's supplemental responses to the Discovery Requests, Applicant objects to several of these requests and refuses to produce responsive documents and information on the bases that such requests are public information and/or widely available online. Applicant further objects to many of these requests on the grounds that such requests seek disclosure of information that is "confidential and proprietary trade secrets" and that "parties may not engage in 'fishing expeditions' and must act reasonably in framing discovery requests." Additionally, Applicant objects to Interrogatory No. 43 on the basis that the "TV program 'I am Multiverse' is not part of the current proceedings."

In Applicant's initial and supplemental responses to Interrogatory No. 19, Applicant's response is incomplete in that it does not provide all of the information sought in the interrogatory, such as which pageants were aired on which vehicles of broadcast as well as the specific dates of broadcast. Applicant's

initial responses to Document Request Nos. 16 and 17 and Interrogatory No. 22 are non-responsive to the extent that it not describe in detail each and every use of the MISS MULTIVERSE mark in connection with television shows and does not adequately demonstrate the first use of the MISS MULTIVERSE mark in connection with beauty pageants and/or television shows. In Applicant's supplemental responses, Applicant provided non-responsive or otherwise insufficient responses to Interrogatory Nos. 15, 16, 28, 34 and 43. In response to Interrogatory Nos. 15 and 16, Applicant simply restates that the mark at issue is MISS MULTIVERSE and that the title of MISS MULTIVERSE is awarded to the winners of the competition. These responses fail to describe in detail the full nature and extent of her plans to use the MISS MULTIVERSE mark.

In response to Interrogatory No. 28, Applicant states that "Miss Multiverse contestants appear in multiple programs, interviews and articles" and "activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters," but fails to identify with specificity any newspaper, magazine, publication, website, television and radio station and/or show in which Applicant markets, advertises or promotes its goods and services. In response to Interrogatory No. 34, Applicant states that "Miss Multiverse does not have the same format each year" and goes on to describe how "traditional pageants" differ without explaining in detail the format for each MISS MULTIVERSE pageant or competition. In response to Interrogatory No. 43, Applicant states that her "primary expansion mission is to distant the image of her mark from pageants" without explaining such plans in detail, and despite the fact that the applied-for goods and service for the MISS MULTIVERSE mark include "Entertainment services, namely, organizing beauty pageants." It is evident that to the extent that Applicant provided responses to the interrogatories, the responses were vague, ambiguous, incomplete or non-responsive.

In Applicant's supplemental responses to Document Request Nos. 16 and 17, Applicant states that "information may be readily available within the attached exhibits" and further states that Document Request No. 16 is "not specific." The documents provided by Applicant in response to the Discovery Requests do not include information regarding Applicant's first use of the MISS MULTIVERSE mark.

Moreover, Document Request No. 16 clearly seeks documents which demonstrate the first use by Applicant of the MISS MULTIVERSE mark in connection with beauty pageants and therefore is specific. Applicant did not produce any documents or information responsive to these Requests and she fails to indicate in response to any of these requests whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance.

It is well established that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable. *See* TBMP §402.01 and *Varian Associates, supra*. Applicant's use or intended use of the mark MISS MULTIVERSE, as well as use of the mark by third parties, is directly relevant to the issue of consumer confusion and Applicant's intent to trade on the good will associated with Opposer's marks, including MISS UNIVERSE, for pageants. *See e.g. Sterling Drug Inc. v. Sebring*, 515 F.2d. 1128, 185 USPQ 649, 652 (CCPA 1975) (if a mark has come to identify the business of opposer, "its use by another may well lead the public to believe there is some connection, and confusion as to the origin or sponsorship of a product may well result"); *In re E.I. Du Pont*, 177 U.S.P.Q. at 567. Similarly, documents and information regarding Applicant's use, and the nature and extent of such use, of those marks, are also relevant to both parties' claims and defenses. Applicant's use or intended use of the mark MISS MULTIVERSE consists of any matter pertaining to the organization, promotion and/or execution of her pageants, including but not limited to the format, sponsors and/or intended sponsors of Applicant's pageants, the venues and potential venues and channels of trade in which Applicant's pageant services and related goods are promoted, marketed, distributed and/or sold, all of which are unquestionably relevant to the likelihood of confusion analysis. In addition, the applied-for goods and services for the mark MISS MULTIVERSE include "entertainment services, namely, ongoing television programs in the field of reality television about beauty pageants," therefore Applicant's plans to expand the nature of its television shows is relevant to this proceeding. If indeed her reality show about beauty pageants is not branded with the mark MISS MULTIVERSE, that is relevant to the issue of whether Applicant has a good faith intention to use the mark for certain applied-for services.

To the extent that Applicant states that the Discovery Requests are overly broad, unduly burdensome, or constitute an undue expense, the need for such discovery certainly outweighs any inconvenience to the Applicant in producing such information given the relevancy of the information requested. TBMP § 402.02. Applicant fails to sufficiently explain why any of the Discovery Requests are overly broad and/or unduly burdensome. In addition, objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper, especially on a wholesale basis, in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g). Even in the absence of the Board's standard protective order, sponsors, vendors and channels of trade, for example, are by their nature public, and therefore the identities of sponsors of Applicant's pageants is not confidential information.

Moreover, to the extent that Applicant objects on the grounds that the requests lack a reasonable timeframe, Applicant claims that she has been using the MISS MULTIVERSE mark since 2012. Therefore, the relevant period for the Discovery Requests is at most four to five years, which is not an unreasonable timeframe. With respect to Applicant's objections that the information sought is publically and/or widely available, Applicant gives no reasons for its assertions that Opposer would have access to this information or that it would already be in its possession. Moreover, this would not excuse Applicant's production of any responsive information in its possession or control. *See* TBMP §406.02.

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer's Document Request Nos. 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26 and 27 and Interrogatory Nos. 15, 16, 19, 20, 21, 22, 25 and 28.

#### **D. Information Regarding Use of the MISS MULTIVERSE Mark by Third Parties**

Opposer's Discovery Requests seek information regarding use by third parties of the mark, name or title MISS MULTIVERSE. In particular, Opposer's Document Request Nos. 29, 30, 33 and 34 seek the following information, respectively:

29. All Documents and things showing sales or licenses of MISS MULTIVERSE Services, including, but not limited to contracts, invoices, purchase orders, price lists, bills of sale, receipts, and other agreements.

30. All Documents and things which relate to or reveal the individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services, including,

but not limited to documents identifying the names and addresses of such individuals, firms, and/or entities.

33. All Documents and things which constitute or relate or refer to any assignment, license, or other transfer of any rights to or from Applicant in connection with the MISS MULTIVERSE Mark.

34. All Documents and things, which relate or refer to any use by any third party of the MISS MULTIVERSE Mark.

Opposer's Interrogatory Nos. 29 and 37 seek:

29. Identify each use by any third party of the mark MISS MULTIVERSE, and the persons knowledgeable of such use.

37. Identify any rights in the MISS MULTIVERSE Mark which Applicant has granted to any third party or acquired from any third party, including, but not limited to licenses, assignments, and security interests, and the persons knowledgeable concerning each grant or acquisition.

In Applicant's initial responses to the Discovery Requests, Applicant objects to these requests on the grounds that the requests are irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence, are confidential and protected by attorney/client and/or work-product privilege, and are overly broad and unduly burdensome. In Applicant's supplemental responses to the Discovery Requests, Applicant further objects to these requests on the grounds that "parties may not engage in 'fishing expeditions' and must act reasonably in framing discovery requests." Applicant fails to indicate in response to any of these requests whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance.

It is without doubt that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable, and that such relevancy requirement should be construed liberally. *See* TBMP §402.01 and *Varian Associates, supra*. Any conveyances affecting the ownership of, or other rights to, the trademarks at issue are directly relevant to whether Applicant has a basis to assert ownership of the mark. *See, e.g., Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 10 USPQ2d 1671 (TTAB 1988) (licensing agreements and arrangements between opposer and third parties and amount of sales thereto are relevant). Moreover, according to the TMBP, "information concerning a party's awareness of third-party use and/or registration of the same or similar marks . . . is discoverable to the extent that the responding party has actual knowledge thereof. TMBP § 414 (9). Therefore these requests pertaining to third party use of the MISS MULTIVERSE mark are clearly relevant and do not constitute a fishing expedition.

Applicant fails to sufficiently explain why any of these requests are overly broad and/or unduly burdensome. Further, objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper, especially on a wholesale basis, in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g).

In response to Interrogatory No. 29 specifically, Applicant states that "no third parties use the mark Miss Multiverse," however, documents produced by Applicant in response to Opposer's Discovery Requests indicate that Applicant has entered into agreements with third parties in connection with the promotion and/or distribution of goods and services bearing the MISS MULTIVERSE mark. Applicant's response to this interrogatory is therefore non-responsive and/or incomplete.

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer's Document Request Nos. 29, 30, 33 and 34, and Interrogatory Nos. 29 and 37.

#### **E. Information Regarding Domain Names Owned By Applicant**

Opposer's Discovery Requests seek information regarding Applicant's use or intended use of domain names, including [missmultiverse.com](http://missmultiverse.com), [msmultiverse.com](http://msmultiverse.com) and [mrsmultiverse.com](http://mrsmultiverse.com).

In particular, Opposer's Document Request Nos. 8, 9, 10, 11, 12 and 13 seek the following information, respectively:

8. All Documents and things relating to Applicant's registration and use of the domain name [missmultiverse.com](http://missmultiverse.com), including but not limited to any transfer, renewal or sale of the domain name.

9. Screen shots of all pages from the website to which Applicant's domain name [msmultiverse.com](http://msmultiverse.com) resolves or resolved.

10. All Documents relating to Applicant's registration and use of the domain name [msmultiverse.com](http://msmultiverse.com), including but not limited to any transfer, renewal or sale of the domain name.

11. Screen shots of all pages from the website to which Applicant's domain name [msmultiverse.com](http://msmultiverse.com) resolves or resolved.

12. All Documents relating to Applicant's registration and use of the domain name [mrsmultiverse.com](http://mrsmultiverse.com), including but not limited to any transfer, renewal or sale of the domain name.

13. All Documents relating to Applicant's registration and use of the domain name [mrsmultiverse.com](http://mrsmultiverse.com), including but not limited to any transfer, renewal or sale of the domain name.

In Applicant's initial and supplemental responses to the Discovery Requests, Applicant objects to these requests on the grounds that the "information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the widely available who is domain

search engines” (sic). Applicant’s assertion that the information sought in these requests is “publically and easily obtainable” is incorrect as not all of the documents “relating” to the registration and use of the domain names missmultiverse.com, msmultiverse.com and mrsmultiverse.com are available through WhoIs search engines. Applicant fails to indicate in response to any of these requests whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance.

It is clear that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable, and that such relevancy requirement should be construed liberally. *See* TBMP §402.01 and *Varian Associates, supra*. Clearly, Applicant’s use of the mark MISS MULTIVERSE and related domain names for pageants and related goods is relevant to Applicant’s contention that it is entitled to registration based upon its use of the MISS MULTIVERSE mark. TBMP §414(5); *Double J of Broward Inc. v. Skalony Sportswear GmbH*, 21 U.S.P.Q.2d. 1609, 1612 (T.T.A.B. 1991). Moreover, Applicant’s use of marks other than the applied for MISS MULTIVERSE mark for beauty pageants and related goods and services is relevant to Applicant’s motivation for seeking use and registration of the disputed mark and the availability of alternatives to the disputed mark. “Information that a party sells the same goods or services as the propounding party, even if under a different mark, is relevant to the issue of likelihood of confusion.” *See* TBMP §414 (11); *Sterling Drug Inc. v. Sebring*, 515 F.2d. 1128, 185 USPQ 649, 652 (CCPA 1975) (if a mark has come to identify the business of opposer, “its use by another may well lead the public to believe there is some connection, and confusion as to the origin or sponsorship of a product may well result”); *In re E.I. Du Pont*, 177 U.S.P.Q. at 567.

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer’s Document Request Nos. 8, 9, 10, 11, 12 and 13.

#### **F. Expenses and Revenues Associated with Applicant’s Pageants**

Opposer’s Discovery Requests seek information and documents concerning the expenses and revenues associated with Applicant’s promotion and sale of goods and services related to its pageants. In

particular, Opposer's Document Request Nos. 6, 28, 31 and 32 seek the following information, respectively:

6. Financial Documents sufficient to demonstrate in detail the expenses and revenues associated with each of the MISS MULTIVERSE Services.

28. All Documents and things concerning Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

31. All Documents and things showing the gross revenue generated from the sale of MISS MULTIVERSE Services, including, but not limited to invoices, receipts, purchase orders, tax returns, general ledgers, bank statements, contracts, agreements and financial statements.

32. All Documents and things showing the projected gross revenue to be generated from MISS MULTIVERSE Services.

Opposer's Interrogatory Nos. 6, 7 and 27 request that Applicant:

6. State with particularity the expenses and revenues associated with the MISS MULTIVERSE television show.

7. State with particularity the expenses and revenues associated with each of the MISS MULTIVERSE pageants, segregated by year and pageant name.

27. Identify all individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services.

In Applicant's initial responses to the Discovery Requests, Applicant objects to these requests on the grounds that they seek information "not reasonably calculated to lead to the discovery of admissible evidence" and that several of the requests seek confidential financial information. Applicant further objects to Document Request Nos. 28 and 29 on the grounds that the requests are overly broad and unduly burdensome.

In Applicant's supplemental responses to the Discovery Requests, Applicant objects to all of the document requests on the grounds that such requests seek disclosure of information that is "confidential and proprietary trade secrets" and that "parties may not engage in 'fishing expeditions' and must act reasonably in framing discovery requests." Applicant objects to the interrogatories on the grounds that such requests seek information which is "protected and privileged financial information and not reasonably calculate to the discovery of admissible evidence."

In both Applicant's initial and supplemental responses to Interrogatory No. 27, Applicant stated that "G&G Exchange manages all direct sales and business related with the Miss Multiverse Mark." Applicant's response is insufficient to the extent that the interrogatory does not seek the identity of the entity responsible for managing the sales and business related to the MISS MULTIVERSE mark. Further, the documents

provided by Applicant in response to these requests indicate that there is at least one entity with which Applicant entered into an agreement to sell, advertise, promote and/or distribute the MISS MULTIVERSE Services. Applicant fails to indicate in response to these requests whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance.

It is settled law that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable, and that such relevancy requirement should be construed liberally. *See* TBMP §402.01 and *Varian Associates, supra*. Pursuant to 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; if a responding party considers such information to be confidential, disclosure may be made under protective order.” In addition, any conveyances affecting the ownership of, or other rights to, including the right to use, sell, promote and/or distribute, the trademarks at issue are directly relevant to whether Applicant has a basis to assert ownership of the mark.

In multiple responses to the Discovery Requests, Applicant states that the MISS MULTIVERSE mark is currently in use in the United States. It is clear that the information and documents about the sale, offer for sale or promotion in the United States of goods and services bearing the MISS MULTIVERSE mark, upon which this proceeding is based, are directly relevant to the parties’ claims and defenses.

To the extent that Applicant objects on the basis of confidentiality, objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper, especially on a wholesale basis, in view of the automatic imposition of the Board’s standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g). Therefore, these requests are clearly and directly relevant to the parties claims and defenses in this opposition proceeding, and seeking the information and documents requested in these Discovery Requests does not constitute a “fishing expedition.” Applicant further fails to explain why providing such information would be unduly burdensome or how the requests are overbroad or not relevant.

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer's Document Request Nos. 6, 28, 31 and 32 and Interrogatory Nos. 6, 7 and 27.

#### **G. Information Regarding Opposer and its Pageants**

Opposer's Discovery Requests seek information and documents regarding or referring Applicant's knowledge and documents regarding Opposer, or Opposer's pageants, including but not limited to Opposer's MISS UNIVERSE Pageant.

In particular, Opposer's Document Request Nos. 35 and 38 seek the following information, respectively:

35. All Documents and things evidencing, referring or relating to instances of Applicant's knowledge of Opposer's MISS UNIVERSE Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's MISS UNIVERSE Mark.

38. All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's MISS UNIVERSE pageant.

Opposer's Interrogatory No. 35 requests that Applicant:

35. Describe fully Applicant's knowledge of Opposer's MISS UNIVERSE Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's MISS UNIVERSE Marks.

In both Applicant's initial responses and supplemental responses, Applicant objects to Interrogatory No. 35 on the grounds that the request is "argumentative" and "assumes the applicant is an aficionado" of Opposer's mark. Applicant first objects to Document Request Nos. 35 on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably specific, and objects to both document requests on the basis that the requests require Applicant to "marshal all of its available proof or the proof the party intends to offer at trial" and that the requests are not a "permissible enquiry."

Applicant states in her supplemental response to Document Request No. 38 that she has produced responsive documents, however none of the produced documents relate or refer to Opposer or Opposer's pageants.

There is no question that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable, and that such relevancy requirement should be construed liberally. *See* TBMP §402.01 and *Varian Associates, supra*. Applicant's objections are unfounded as Applicant's knowledge of Opposer and its marks prior to selection and adoption of the MISS MULTIVERSE mark is directly relevant to Opposer's claim of likelihood of confusion and priority of use, as well as Applicant's good faith adoption. Pursuant to TBMP § 414 (19), information concerning Opposer's knowledge of Opposer's MISS UNIVERSE marks, including whether Opposer has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable. *See Volkswagenwerk Aktiengesellschaft v. MTD Products Inc.*, 181 USPQ 471, 473 (TTAB 1974) (corporate applicant's knowledge of use by opposer or by the public or the trade, is relevant); *American Optical Corp. v. Exomet, Inc.*, 181 USPQ 120, 123 (TTAB 1974) (corporate applicant required to search its files to determine when it acquired actual knowledge of opposer's marks). Further, the documents Applicant claims to have produced in response to Document Request Nos. 35 and 38 are inadequate to demonstrate Applicant's knowledge or lack thereof of Opposer's marks.

Applicant purports to have knowledge of the pageant industry and bases several of her responses to Opposer's Discovery Requests upon a claim that Applicant has knowledge of "traditional" pageants. Therefore, it is likely Applicant possesses knowledge about Opposer's famous MISS UNIVERSE mark and pageant, which Applicant admits has been used in connection with pageants for over sixty years. Opposer is entitled to discovery of all information in Applicant's possession related to Applicant's knowledge of Opposer and Opposer's pageants.

Moreover, Applicant's objections on that basis that she intends to use the documents requested at trial is unfounded. Applicant fails to indicate in response to most of these requests whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance. Pursuant to TBMP § 408.02, if a responding party conducts an incomplete search of its records and provides an incomplete response to a discovery request, she "may not thereafter rely at trial on

information from [her] records which was property sought in the discovery request but was not included in the response thereto.”

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer’s Document Request Nos. 35 and 38 and Interrogatory No. 35.

## **H. Information Regarding Applicant**

Opposer’s Discovery Requests seek information and documents regarding Applicant, those who work or volunteer in connection with Applicant. In particular, Opposer’s Document Request Nos. 3, 4 and 5 seek the following information, respectively:

3. All Documents and things regarding the formation of G & G Exchange.
4. Documents sufficient to identify the officers, board, investors, and donors of the G & G Exchange.
5. Documents sufficient to identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

Opposer’s Interrogatory Nos. 4 and 5 request that Applicant:

4. Identify all officers, board members, investors, and donors of G & G Exchange.
5. Identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.
40. Identify any insurance policies pursuant to which an insurance company may be liable to cover Applicant’s legal fees in connection with this Opposition proceeding.

In Applicant’s initial responses to the Discovery Requests, Applicant objects to these requests on the grounds that they are irrelevant and/or not reasonably calculated to lead to the discovery of admissible evidence. Applicant further objects to Document Request Nos. 3, 4 and 5 on the grounds that the requests are overly broad and unduly burdensome, and objects to the document requests on the basis that they seek information protected by attorney client and/or work product privileges. In Applicant’s supplemental responses to the Discovery Requests, Applicant objects to Document Request No. 5 and Interrogatory No. 5 on the grounds that employers of the Netherlands may not disclose information subject to employee non-disclosure policies.

In response to Interrogatory No. 4, Applicant states that “Linda Grandia is the CEO of G & G Exchange and the relevant contact person related to the present proceedings.” Applicant’s response is

insufficient to the extent that the interrogatory does not seek the identity of only the “relevant contact person” to the proceeding. Applicant fails to indicate in response to any of these requests whether she has conducted a diligent search of her records, whether responsive documents exist, or whether she is withholding documents on the basis of relevance. To the extent Applicant claims attorney-client and/or work product privilege as a ground to withhold production of documents, she has not provided a privilege log as required by TBMP § 406.04(c). *See also Cadbury UK Limited v. Meenaxi Enterprise, Inc.*, 115 USPQ2d 1404 (TTAB 2015) [precedential] (*citing Amazon Technologies, Inc. v. Jeffrey S. Wax*, 93 USPQ2d 1702 (TTAB 2009)).

In Applicant’s application for the MISS MULTIVERSE mark, G & G Exchange is listed under correspondent’s contact information. Applicant’s website located at [www.missmultiverse.com](http://www.missmultiverse.com) also states that Applicant founded G & G Exchange and that it is “the leading pageant company in the Netherlands.” Corporate relationships between Applicant and controlled entities, or their employees or principles, and their involvement and duties regarding the mark at issue in this proceeding are properly discoverable. Opposer’s requests are therefore clearly relevant in that information regarding officers, stockholders, board members, investors and donors of companies related to a party are discoverable, as are individuals with knowledge regarding Applicant’s use of the mark. TBMP § 414 (12), (14). Applicant’s objections on the basis of confidentiality are improper in view of the automatic imposition of the Board’s standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g).

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer’s Document Request Nos. 3, 4, 5 and 39 and Interrogatory Nos. 4, 5 and 40.

## **V. Conclusion**

For all of the foregoing reasons, Opposer respectfully requests the Board issue an Order: (1) compelling Applicant to provide documents, information and responses to discovery requests propounded by Opposer in the above captioned proceeding and (2) suspending the above referenced opposition proceeding

Corporate relationships between Applicant and controlled entities, or their employees or principles, and their involvement and duties regarding the mark at issue in this proceeding are properly discoverable. Opposer's requests are therefore clearly relevant in that information regarding officers, stockholders, board members, investors and donors of companies related to a party are discoverable, as are individuals with knowledge regarding Applicant's use of the mark. TMBP § 414 (12, (14). Applicant's objections on the basis of confidentiality are improper in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g).

Based on the foregoing, Opposer therefore requests that the Board issue an order compelling Applicant to produce information and documents responsive to Opposer's Document Request Nos. 3, 4, 5 and 39 and Interrogatory Nos. 4, 5 and 40.

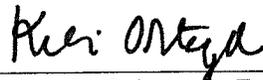
**V. Conclusion**

For all of the foregoing reasons, Opposer respectfully requests the Board issue an Order: (1) compelling Applicant to provide documents, information and responses to discovery requests propounded by Opposer in the above captioned proceeding and (2) suspending the above referenced opposition proceeding with respect to all matters not germane to the motion, pursuant to 37 CFR §2.120 (e), including a corresponding extension of all discovery and testimony periods.

Dated: New York, New York  
April 5, 2016

Respectfully submitted,

KELLEY DRYE & WARREN LLP



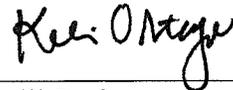
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Andrea L. Calvaruso, Esq.  
Amy Gaven, Esq.  
Kelli D. Ortega, Esq.  
Attorneys for Applicant  
101 Park Avenue  
New York, NY 10178  
(212) 808-7800

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the foregoing Motion to Compel Applicant's Responses to Document Requests and Interrogatories to be served on Applicant, this 5th day of April 2016, via email and first class mail, postage prepaid and to:

Linda Grandia  
G & G Exchange  
Keppelstreet 13  
Amersfoort, 3817TA  
Netherlands  
info@missmultiverse.com



---

Kelli D. Ortega

## **EXHIBIT A**

## Ortega, Kelli

---

**From:** Ortega, Kelli  
**Sent:** Thursday, December 17, 2015 3:43 PM  
**To:** 'info@missmultiverse.com'  
**Subject:** Miss Universe L.P., LLLP v. Grandia  
**Attachments:** Discovery Letter 12.17.15.pdf

Dear Ms. Grandia:

Please find attached a letter regarding your discovery obligations with respect to Opposition No. 91220573 in the TTAB. We are sending the original to you via Federal Express.

Sincerely,  
Kelli Ortega

**KELLEY**  

---

**DRYE**

**Kelli Ortega**

Kelley Dye & Warren LLP  
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New York, NY 10178  
(212) 808-7755 | [kortega@kelleydye.com](mailto:kortega@kelleydye.com)  
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PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

December 17, 2015

**VIA FEDEX AND E-MAIL (INFO@MISSMULTIVERSE.COM)**

Linda Grandia  
G & G Exchange  
Keplerstreet 13  
Amersfoort, 3817TA  
Netherlands

Re: Miss Universe L.P., LLLP v. Grandia

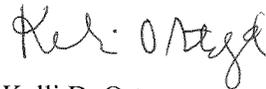
Dear Ms. Grandia:

Your responses to Opposer's First Set of Requests for Production of Documents, First Set of Interrogatories and First Set of Requests for Admission, served by Opposer on November 10, 2015 were due on December 15, 2015. We have not received any documents or responses to date. Accordingly, you are in default of your discovery obligations.

Given that discovery is set to close on January 31, 2016, we must receive your discovery responses and documents no later than December 21, 2015. As your failure to timely serve responses to our client's discovery requests has caused an unnecessary delay in this proceeding, we request that you consent to a sixty day of extension of the discovery period in this matter. Should you fail to respond the demands set forth herein by December 21, 2015, we will be forced to make a motion to compel your responses to our client's discovery demands.

We hope this matter can be resolved amicably and we look forward to receiving your timely response.

Very truly yours,



Kelli D. Ortega

cc: IMG Universe, LLC  
Andrea L. Calvaruso, Esq.

## Ortega, Kelli

---

**From:** Ortega, Kelli  
**Sent:** Tuesday, January 12, 2016 6:52 PM  
**To:** 'info@missmultiverse.com'  
**Subject:** Miss Universe L.P., LLLP v. Grandia  
**Attachments:** Letter to Grandia Discovery 1.12.16.pdf

Dear Ms. Grandia:

Please find attached a letter regarding your discovery obligations with respect to Opposition No. 91220573. We are sending the original to you via Federal Express.

Sincerely,  
Kelli Ortega

**KELLEY**  

---

**DRYE**

**Kelli Ortega**

Kelley Dye & Warren LLP  
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AMY GAVEN

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January 12, 2015

**VIA FEDEX AND E-MAIL (INFO@MISSMULTIVERSE.COM)**

Linda Grandia  
G & G Exchange  
Keplerstreet 13  
Amersfoort, 3817TA  
Netherlands

Re: Miss Universe L.P., LLLP v. Grandia; Opposition No. 91220573

Dear Ms. Grandia:

We have reviewed your objections and responses to Opposer's First Requests for Production of Documents, First Set of Interrogatories and First Requests for Admission (the "Responses"), along with your fourteen page document production, served on December 21, 2015. Your document production and Responses are wholly inadequate and fail to sufficiently respond to many of Opposer's requests. Please consider this our good faith attempt to resolve these discovery disputes amicably pursuant to 37 CFR § 2.120(e)(1). Given the current discovery deadline of March 1, 2016, we intend to move to compel satisfactory responses if we do not have the information requested no later than January 19, 2016.

Applicant's Responses to Opposer's Interrogatories and Document Requests

It is well established that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable. *See* TMBP 402.01. As set forth more fully below, you have objected to several of Opposer's discovery demands without a sufficient basis and we request that you rectify these deficiencies.

You provided no substantive responses to Interrogatory Nos. 1-44. In addition to incorporating by reference your General Objections, for many of the requests you merely repeated a recitation of objections based on confidentiality, attorney/client or work product privilege, or the information being overly broad and unduly burdensome and/or irrelevant nor reasonably calculated to lead to the discovery of admissible evidence, without stating any

Linda Grandia  
January 12, 2016  
Page Two

reasons as to why or which portion of the information would be so protected or withheld, overly broad or irrelevant, or not reasonably calculated to lead to admissible evidence.

The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection may be deemed waived absent good cause. TBMP § 405.04(b); Fed. R. Civ. P. 33(b)(4); *see also Amazon Technologies, Inc. v. Jeffrey S. Wax*, 93 USPQ2d 1702 (TTAB 2009). A party resisting discovery has the burden to specifically show how each interrogatory or discovery request is overly broad, burdensome or oppressive, as well as to state if responsive documents exist, 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. TBMP § 406.04(e); Fed. R. Civ. P. 34(b)(2)(C); *see e.g. In re E.I. Du Pont*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973); *see also No Fear, Inc. v. Rule*, 54 U.S.P.Q.2d, 1551, 1555 (T.T.A.B. 2000). As such, boilerplate general objections including without limitation unsubstantiated claims such as undue burden, overbreadth or lack of relevancy, while producing few documents and answering few interrogatories, are impermissible.

Your written responses to Opposer's Discovery Request Nos. 1-40 are likewise wholly deficient and provide no guidance as to the basis of your objections or the existence of responsive documents. You responded to Discovery Request Nos. 1, 2, 3, 4, 16, 17, 18, 22, 23, 24, 35, 36, 37, 38 and 40 stating that "information may be readily available within the attached exhibits that are responsive to this request," however, the produced documents are nonresponsive or provide incomplete responses. Further, for Discovery Request Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 39 you fail to state whether any of the requested documents exist. Moreover, you cannot plausibly allege that the numbered requests below are not reasonably calculated to lead to the discovery of admissible evidence. The information and documents sought by Opposer are properly discoverable pursuant to TBMP § 402.01. If you are withholding documents on the basis of relevance in response to any of these requests, please identify the categories of documents withheld with respect to each such request and the rationale as to why such documents are not discoverable.

Further, to the extent you claim attorney-client and/or work product privilege as a ground to withhold production of documents, please provide a privilege log as required by TBMP § 406.04(e); *see also Cudbury UK Limited v. Meenaxi Enterprise, Inc.*, 115 USPQ2d 1404 (TTAB 2015) [precedential] (*citing Amazon Technologies, Inc. v. Jeffrey S. Wax*, 93 USPQ2d 1702 (TTAB 2009)). Objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper, especially on a wholesale basis, in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g).

Linda Grandia  
January 12, 2016  
Page Three

As to the relevance objections and other specific objections you raised in Opposer's numbered interrogatories and documents requests, we address their respective deficiencies below:

Applicant's Responses to Opposer's Interrogatories and Document Requests

Interrogatory No. 2 and Document Request Nos. 1 and 2 seek information relating to the creation, design, development and adoption of the MISS MULTIVERSE mark. You object to Document Request Nos. 1 and 2 on the basis that the information is "publically available" through the USPTO website. You further object to Document Request No. 2 on the basis that it is "overly broad, unduly burdensome, ambiguous and not reasonably specific." Your objections are improper because the USPTO online system will not include all facts, circumstances, documents and information regarding the creation, design, development, selection and adoption of the MISS MULTIVERSE mark, and the USPTO website does not include any trademark searches performed or opinion letters received regarding adoption of the MISS MULTIVERSE mark. Similarly, your response to Interrogatory No. 2 is vague and does not adequately describe fully the facts and circumstances surrounding the MISS MULTIVERSE mark. Further, you fail to explain how Document Request No. 2 is overly broad and unduly burdensome. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 4 and 5 and Document Request Nos. 3,4 and 5 seek information regarding the formation of and persons involved with G & G Exchange and "persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services." You object to Interrogatory Nos. 4 and 5 and Document Request Nos. 3, 4 and 5 on the basis that they seek information that is neither irrelevant nor reasonably calculated to lead to the discovery of admissible evidence. You further object to Document Request Nos. 3, 4 and 5 on the basis that they are overly broad and unduly burdensome and seek confidential information and is protected by attorney-client and/or work product privileges. Your objections are improper as Interrogatory Nos. 4 and 5 and Document Request Nos. 3, 4 and 5 are relevant in that the names and addresses of a party's officers are discoverable, as are individuals with knowledge regarding Applicant's use of the mark, and stockholders of companies related to a party. *See e.g.* TMBP 414 (12), (14). You further fail to explain how production of the documents identified in Document Request Nos. 3, 4 and 5 are overly broad and unduly burdensome. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 6 and 7 and Document Request Nos. 6, 28, 31 and 32 seek information regarding the expenses and revenues associated with the MISS MULTIVERSE pageants. You object to Interrogatory Nos. 6 and 7 and Document Request No. 6 and 28 on the basis that they seek information "not reasonably calculated to lead to the discovery of admissible evidence." You additionally object to Interrogatory No. 7 and Document Request Nos. 6, 28, 31 and 32 on

Linda Grandia  
January 12, 2016  
Page Four

the basis that it seeks confidential financial information. You further object to Document Request No. 28 on the basis that it is overly broad, unduly burdensome, vague and ambiguous. Your objections are improper because pursuant to TBMP 414 (18) and other authority, "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; if a responding party considers such information to be confidential, disclosure may be made under protective order." You fail to explain how Documents Request No. 28 is overly broad or unduly burdensome. Additionally, your objection to Document Request No. 28 on the basis that it is vague and ambiguous is implausible and an attempt to avoid producing the requested information. Further, you object to Interrogatory No. 6 on the basis that "The Mark of the TV program 'I am Multiverse Tv reality program' is no in opposition proceedings." Your objection is improper because the applied-for goods and services for the mark MISS MULTIVERSE include "Entertainment services, namely, ongoing television programs in the field of reality television about beauty pageants." We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 8 and 38 and Document Request Nos. 7 and 37 seek information regarding your applications and/or registrations for the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office. You object to Interrogatory Nos. 8 and 38 and Document Request Nos. 7 and 37 on the basis that the information is "publically available" on the USPTO website. Your objections are improper because the USPTO online system will not include all facts, circumstances, documents and information regarding your trademark applications or registrations in the U.S. and elsewhere. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 10, 12 and 14 and Document Request Nos. 8, 9, 10, 11, 12 and 13 seek information regarding the registration, use, transfer and/or sale of the domain names [missmultiverse.com](http://missmultiverse.com), [msmultiverse.com](http://msmultiverse.com) and [mrsmultiverse.com](http://mrsmultiverse.com) which consist primarily of the mark MISS MULTIVERSE or a similar mark. You object to Interrogatory Nos. 10, 12 and 14 on the basis that they seek information that is neither irrelevant nor reasonably calculated to lead to the discovery of admissible evidence. You object to Document Request Nos. 8, 9, 10, 11, 12 and 13 on the basis that the "information sought is publically and easily obtainable. Your objections are improper as Interrogatory Nos. 10, 12 and 14 are relevant to the issue of your bad faith in choosing and adopting marks associated with Opposer in an attempt to trade on the goodwill associated with Opposer's marks. Further, your objections to Document Request Nos. 8, 9, 10, 11, 12 and 13 are improper as not all of the documents "relating" to the registration and use of the domain names [missmultiverse.com](http://missmultiverse.com), [msmultiverse.com](http://msmultiverse.com) and [mrsmultiverse.com](http://mrsmultiverse.com) are available through WhoIs search engines. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Linda Grandia  
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Interrogatory Nos. 15, 16 and 43 seek information regarding your use of and plans to expand the use of the MISS MULTIVERSE mark. You object to Interrogatory No. 43 on the basis that it "seeks the disclosure of confidential and proprietary business trade secrets" and state that the "TV program 'I am Multiverse' is not part of the current proceedings. Objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper, especially on a wholesale basis, in view of the automatic imposition of the Board's standard protective order, TBMP § 405.04(a); 412; 37 CFR § 2.116(g). Further, the applied-for goods and services for the mark MISS MULTIVERSE include "Entertainment services, namely, ongoing television programs in the field of reality television about beauty pageants." Additionally, your responses to Interrogatory Nos. 15 and 16 are inadequate in that the responses merely state that the mark at issue is MISS MULTIVERSE and that the title of MISS MULTIVERSE is awarded to the winners of the competition. These responses fail to describe in detail the full nature and extent of your plans to use the MISS MULTIVERSE mark. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 19 and Document Request No. 23 seek information regarding any broadcast of the MISS MULTIVERSE pageants and Interrogatory No. 20 and Document Request No. 21 seek the identity of sponsors of the MISS MULTIVERSE pageants. You object to Interrogatory Nos. 19 and 20 and Document Request No. 21 and 23 on the basis that the requests are overly broad and unduly burdensome. You additionally object to Interrogatory No. 19 on the basis that it "lacks a reasonable time frame." You additionally object to Interrogatory No. 20 and Document Request No. 21 and 23 on the basis that they are not reasonably calculated to lead to the discovery of admissible evidence and that they "seek disclosure of confidential third party business information protected by attorney-client and/or work product privileges and/or confidentiality agreements." Your objections are improper as Interrogatory Nos. 19 and 20 and Document Request Nos. 21 and 23 are relevant to the issue of the channels of trade in which Applicant's pageant services and related goods are marketed and sold and are relevant to the likelihood of confusion analysis and therefore discoverable. *See e.g.* TBMP 414 (3), (15), (16), (17). Further, your response to Interrogatory No. 19 is incomplete in that it does not provide all of the information sought in the interrogatory, such as which pageants were aired on which vehicles of broadcast as well as the specific dates of broadcast. In addition, your response to Interrogatory No. 20 is non-responsive to the extent that it does not describe the "particular strategy to finance [the] competition" and your documents produced in response to Document Request No. 23 appear to be incomplete to the extent that they do not relate to all broadcasts of the MISS MULTIVERSE Services, including but not limited to social media channels. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Document Request Nos. 19 and 20 seek copies of any recordings and program books for each of the MISS MULTIVERSE Services. You object to Document Request Nos. 19 and 20 on

Linda Grandia  
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the basis that the information request is not reasonably calculated to lead to the discovery of admissible evidence. You further object to Document Request No. 19 on the basis that it is unjust and the “expense of proposed discovery greatly outweighs the benefit.” You further object to Document Request No. 20 on the basis that the “information requested is voluminous. Your objections are improper because you have failed to explain how Document Request Nos. 19 and 20 are not reasonably calculated to lead to the discovery of admissible evidence, particularly because copies of recordings and program books for the MISS MULTIVERSE Services are directly relevant to the subject matter of this Opposition proceeding. Further, to the extent that you state that Document Request Nos. 19 and 20 constitute an undue expense and/or are too voluminous to produce, the need for such discovery certainly outweighs any inconvenience to the Applicant in producing such information given the relevancy of the information requested. TBMP § 402.02. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 21 and 25 and Document Request No. 22 seek information regarding all venues or potential venues where your MISS MULTIVERSE pageants have been held. You object to Interrogatory Nos. 21 and 25 and Document Request No. 22 on the basis that they seek information that is neither irrelevant nor reasonably calculated to lead to the discovery of admissible evidence. Your objections are improper as Interrogatory Nos. 21 and 25 and Document Request No. 22 are relevant to the issue of the channels of trade in which Applicant’s pageant services and related goods are marketed and sold and are relevant to the likelihood of confusion analysis and therefore discoverable. *See e.g.* TBMP § 414 (3), (15), (16), (17). We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 22 and Document Request Nos. 14, 15, 16, 17, 24 and 25 seek information regarding use of the MISS MULTIVERSE mark in connection with the MISS MULTIVERSE Services. You object to Interrogatory No. 22 and Document Request Nos. 16 and 17 on the basis that they are overly broad and unduly burdensome and lack a reasonable time frame. You object to Document Request Nos. 14, 15, 24 and 25 on the basis that they “seek the disclosure of confidential and proprietary business trade secrets” and is “not reasonably calculated to lead to the discovery of admissible evidence.” You further object to Document Request Nos. 24 and 25 on the basis that they are overly broad, unduly burdensome, vague, ambiguous and not reasonably specific. You have not explained why such requests are overly broad and unduly burdensome and your responses to Interrogatory No. 22 and Document Request Nos. 16 and 17 are non-responsive to the extent that it not describe in detail each and every use of the MISS MULTIVERSE mark in connection with television shows and does not adequately demonstrate the first use of the MISS MULTIVERSE mark in connection with beauty pageants and/or television shows. Further, you have not explained why Interrogatory No. 22 lacks a reasonable time frame or why Document Request No. 25 is not reasonably specific. You state in your response to Request for Admission No. 7 that you have been using the MISS

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MULTIVERSE mark "since 2012." A period of four years is not an unreasonable time frame. Additionally, your objection to Document Request Nos. 14, 15 and 25 based on the confidentiality of information or proprietary and/or trade secret matter being sought is improper in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g). Further, your use of the MISS MULTIVERSE mark is directly relevant to this Opposition proceeding. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 27 and 28 and Document Request Nos. 26 and 27 seek information regarding the sale, advertisement, promotion, marketing and/or distribution of MISS MULTIVERSE Services. Your response to Interrogatory No. 27 is inadequate. For example, you provide two documents in your attached Exhibit A that indicate you have entered into agreements with third parties to distribute and/or promote the MISS MULTIVERSE Services, however, your response to Interrogatory No. 27 fails to identify these firms. You object to Interrogatory No. 28 and Document Request No. 26 on the basis that it is "overly broad or unduly burdensome and lacks a reasonable time frame" and that the information is publically available. You further object to Document Request No. 26 on the basis that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably specific. You object to Document Request No. 27 on the basis that it seeks disclosure of confidential and proprietary business trade secrets. You have not explained why such requests are overly broad and your response to Interrogatory No. 28 is non-responsive to the extent that it does not identify any of the "newspapers, magazines, publications, websites, television and radio stations and/or shows where Applicant markets, advertises and promotes its goods and services." Further, you have not explained why Interrogatory No. 28 lacks a reasonable time frame and why Document Request No. 26 is not reasonably specific. You state in your response to Request for Admission No. 7 that you have been using the MISS MULTIVERSE mark "since 2012." A period of four years is not an unreasonable time frame. Additionally, your objection to Document Request No. 27 based on the confidentiality of information or proprietary and/or trade secret matter being sought is improper in view of the automatic imposition of the Board's standard protective order, TBMP § 405.04(a); 412; 37 CFR § 2.116(g). We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 29 and 37 and Document Request Nos. 29, 30, 33 and 34 seek information regarding use by any third party of the mark MISS MULTIVERSE. You object to Interrogatory No. 29 on the basis that it is "overly broad or unduly burdensome and lacks a reasonable time frame" and state that "no third parties use the mark Miss Multiverse." You object to Interrogatory No. 37 and Document Request Nos. 29, 30, 33 and 34 on the basis that it "seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges" and it is "overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence." You provide, however, two documents in your attached Exhibit A that indicate you have entered into agreements with third parties to

Linda Grandia  
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distribute and/or promote the MISS MULTIVERSE Services, therefore your responses are inadequate. Further, any conveyances affecting the ownership of, or other rights to, the trademarks at issue are directly relevant to whether Opposer has a basis to assert its claims and defenses. You have further failed to explain why providing such information would be unduly burdensome nor how you believe the request is overbroad or not reasonably calculated to lead to the discovery of admissible evidence. Further, "information concerning a party's awareness of third-party use and/or registration of the same or similar marks . . . is discoverable to the extent that the responding party has actual knowledge thereof. TBMP § 414 (9). We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 30 and 31 seek information regarding all trademarks, pageants and contests owned, operated or sponsored by Applicant. You object to Interrogatory No. 30 on the basis that it is irrelevant and not reasonably calculated to the discovery of admissible evidence. You object to Interrogatory No. 31 on the basis that it is "irrelevant to the subject matter." Your use of marks other than the applied-for MISS MULTIVERSE mark is relevant to your motivation for seeking use and registration of the disputed mark and the availability of alternatives to the disputed mark. "Information that a party sells the same goods or services as the propounding party, even if under a different mark, is relevant to the issue of likelihood of confusion." *See* TBMP § 414 (11) and cases cited therein. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 34 and Document Request No. 18 seek information the format of the MISS MULTIVERSE pageants, including preliminary pageants if any. You object to Interrogatory No. 34 and Document Request No. 18 on the basis that they "seek the disclosure of confidential and proprietary business trade secrets" and state in Interrogatory No. 34 that "Miss Multiverse does not have the same format each year" without explaining in detail the format of each year's pageant. You further object to Document Request No. 18 that it is not reasonably calculated to lead to the discovery of admissible evidence. The format of the MISS MULTIVERSE pageants is directly relevant to the issue of likelihood of confusion. Further, your objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g). We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 35 and Document Request Nos. 35 and 38 seek Applicant's knowledge of Opposer's MISS UNIVERSE Marks and pageants, including the circumstances under which Applicant first became aware of Opposer's MISS UNIVERSE Marks. You object to Interrogatory No. 35 on the basis that the request is argumentative and makes improper assumptions. You object to Document Request No. 35 on the basis that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably specific. You object to Document Request Nos. 35 and 38 on the basis that it they are not "permissible enquiry." Your objections

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are improper as your knowledge of Opposer and its marks prior to selection and adoption of the MISS MULTIVERSE mark is directly relevant to Opposer's claim of likelihood of confusion and priority of use. Pursuant to TBMP § 414 (19), information concerning Opposer's knowledge of Opposer's MISS UNIVERSE marks, including whether Opposer has actual knowledge thereof and, if so, when and under what circumstances it acquired such knowledge, is discoverable. See *Volkswagenwerk Aktiengesellschaft v. MTD Products Inc.*, 181 USPQ 471, 473 (TTAB 1974) (corporate applicant's knowledge of use by opposer or by the public or the trade, is relevant); *American Optical Corp. v. Exomet, Inc.*, 181 USPQ 120, 123 (TTAB 1974) (corporate applicant required to search its files to determine when it acquired actual knowledge of opposer's marks). Further, you have failed to explain how Document Request No. 35 is overly broad or unduly burdensome, and the documents you have produced in response to Document Request Nos. 35 and 38 are inadequate to demonstrate your knowledge or lack thereof of Opposer's marks. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 40 and 41 and Document Request No. 39 seek disclosure of insurance policies that would cover Applicant's legal fees in connection with this Opposition proceeding and the legal proceedings to which Applicant has been a party. You object to Interrogatory Nos. 40 and 41 and Document No. 39 on the basis that it "seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges" and it is "overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence." Your objections are improper because whether you have insurance coverage is relevant to this proceeding since it directly affects your ability to settle. Further, the identity of all legal proceedings to which Applicant has been a party is discoverable. See TBMP § 414 (10). You additionally provide no explanation as to how these requests are overbroad or unduly burdensome. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 42 and 44 and Document Request No. 40 seek disclosure of persons with knowledge concerning the facts which support Applicant's denial of any allegation in the Notice of Opposition and documents consulted or referred to by Applicant in connection with preparing its discovery responses. You state that "Linda Grandia is the relevant contact person with knowledge related to the present proceedings" and "the person producing documents and preparing responses" but fail to state whether other persons with relevant knowledge exist and fail to identify or produce documents responsive to Interrogatory No. 44. You object to Document Request No. 40 on the basis that it is not a "permissible enquiry" and the information sought is "readily available" on the USPTO website. Opposer is entitled to disclosure of the persons who know the facts necessary to answer questions about the very basis of Applicant's claims and defenses, Opposer's claims and defenses, and Applicant's denials of Opposer's allegations thereof. This information and the documents consulted in preparing Opposer's responses are therefore directly relevant and properly discoverable. See TMBP § 402.01; *Varian*



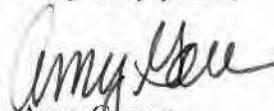
Linda Grandia  
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requests do not assume you are an "aficionado" or "connoisseur" of Opposer's marks. The requests plainly seek admission that you had knowledge of, or in other words, that you were aware of, Opposer's use and registration of the MISS UNIVERSE marks. The phrase "prior to Applicant's creation" plainly refers to the period of time prior to the creation of the MISS MULTIVERSE mark. We therefore reiterate our demand that you provide a complete supplemental response.

Opposer therefore requests that you immediately provide proper responses to all of these requests and truthfully admit or deny the matter sought in each of the requests, or state in detail the reasons why the responding party cannot truthfully admit or deny the matter.

We look forward to receiving the your appropriate and complete responses and all responsive documents no later than January 19, 2016. Please be advised that absent adequate responses from you, Opposer intends to move to compel such information and documents. Furthermore, in the absence of satisfactory responses and production from you, Opposer will object to your use of any such information and documents in support of its claims or defenses. *See* TBMP § 527.01(a)-(e).

Very truly yours,



Amy Gaven

cc: IMG Universe, LLC  
Andrea L. Calvaruso, Esq.

## Ortega, Kelli

---

**From:** Ortega, Kelli  
**Sent:** Friday, January 29, 2016 10:25 AM  
**To:** 'info@missmultiverse.com'  
**Subject:** Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

This email is in furtherance of the below. We have received your supplemental responses and objections to Opposer's Discovery Requests. Your supplemental responses are still not compliant with your discovery obligations. We will be sending you additional correspondence shortly which details the issues remaining with your responses to the Discovery Requests. Because you have failed to comply with your discovery obligations, we will be required to seek additional time from the Board in which to conduct discovery given the upcoming deadlines. As requested below, we request that you consent to a 60-day extension of the discovery period by responding to this message no later than **close of business today, Friday, January 29, 2016**. If you do not consent to the 60-day extension, we will move the Board to extend the discovery period.

We look forward to hearing from you.

Thank you,  
Kelli Ortega

### Kelli Ortega

Kelley Drye & Warren LLP  
(212) 808-7755 | [kortega@kelleydrye.com](mailto:kortega@kelleydrye.com)

---

**From:** Ortega, Kelli  
**Sent:** Friday, January 29, 2016 9:35 AM  
**To:** 'info@missmultiverse.com' <info@missmultiverse.com>  
**Subject:** Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

As you know, discovery is set to close in this opposition on March 1, 2016. Please confirm if you will consent to a 60-day extension of the discovery period to allow both parties to conduct further discovery by responding to this message by **close of business today, Friday, January 29, 2016**. If you agree, we will file the motion on consent.

We look forward to hearing from you.

Thank you,  
Kelli Ortega

## Ortega, Kelli

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**From:** Miss Multiverse International <info@missmultiverse.com>  
**Sent:** Friday, January 29, 2016 1:41 PM  
**To:** Ortega, Kelli  
**Cc:** info@missmultiverse.com  
**Subject:** Re: Miss Universe L.P., LLLP v. Grandia



Dear Mrs. Kelli Ortega,

**We hereby respond as follow: We do not agree or consent to an extension. Our decision is final and irrevocable. We do not entertain your claims of our discovery answers as an excuse.**

- 1) More time will not change the fact that Multiverse has a complete different meaning than opposers mark. Public and expert opinion or the court will certainly not entertain that universe and multiverse have the same meaning.
- 2) More time will not change the fact that many pageants are registered in the USPTO with the words miss – verse – and universe (and many more world wide). Your client holds no grounds to claim seniority or dilusion
- 3) More time will not change the fact that 4 traceable years of information found within the entire world wide web serves as clear evidence to demonstrate that consumers are not confused in no way, shape or form.
- 4) More time will not change the fact that only applicants opposed by your client that abandoned their application prematurely have lost their rights to register; but applicants that have brought your clients opposition to court have **easily won the case** and successfully registered their rightful brand.
- 5) More time will not change the fact that anyone with a basic knowledge of business can clearly see that opposition is based on eliminating fair competition not confusion.
- 6) Defendant has answered to opposers discovery request in good faith, efforts and to the best of their abilities.
- 7) Opposer has responded to our discovery request in the same manner and tonality as we have responded to their questions. We see no difference. Claiming that we are not complying and that you are is an unfounded excuse.
- 8) Opposer waits until last day, disregarding that we are in a different time zone and during our non business hours sends last minute requests as pressure tactics and treats.
- 9) Prolonging proceedings and elevating expenditures are known legal practices used to exhaust the other partys resources.
- 10) More time represents more unnecessary high expenses for the defendant; **therefore, we hereby firmly resolve to remain with the set close date of March 1, 2016 and let the**

**unbiased legal system put closure to the foregoing unfounded opposition as soon as possible.**

We are however open to a good faith agreement where your client drops the foregoing opposition discretely behind the curtain and mutually announcing this as a friendly settlement in order to avoid the self inflicted imminent public embarrassment for the opposer reputation, whom are already profiled as unethical trademark bullies and their attorneys professional credibility since they will be certainly loosing a case where the defendant with no legal expertise whatsoever did not even require an attorney.

Please consider this as our last attempt to provide opposing party a viable exit strategy in good faith without opposing party self inflicted lost of face in their field of business practice.

**Please confirm that you have received this message before closing of business day, Friday, January 29, 2016.**

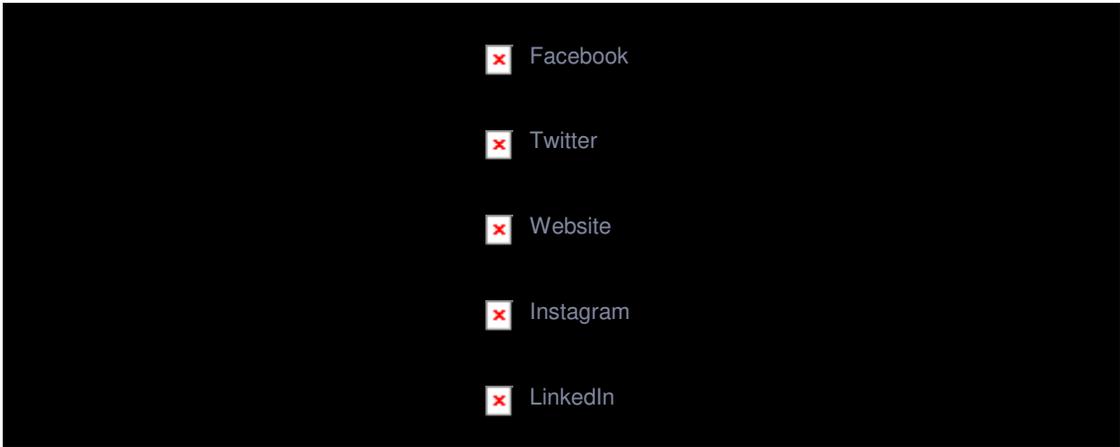
Best Regards,

**Linda Grandia**

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**Multiverse Ventures BV**

Phone: + 31- 33 4625501 Mobile: +31 - 6 38056135  
Skype: MissMultiverseTV  
Keplerstraat 13, 3817TA Amersfoort, Netherlands  
KvK registration: 62253972



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**From:** "Ortega, Kelli" <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>

**Date:** Friday, January 29, 2016 at 15:35

**To:** Linda <[info@missmultiverse.com](mailto:info@missmultiverse.com)>

**Subject:** Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

As you know, discovery is set to close in this opposition on March 1, 2016. Please confirm if you will consent to a 60-day extension of the discovery period to allow both parties to conduct further discovery by responding to this message by **close of business today, Friday, January 29, 2016**. If you agree, we will file the motion on consent.

We look forward to hearing from you.

Thank you,  
Kelli Ortega

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## Ortega, Kelli

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**From:** Miss Multiverse International <info@missmultiverse.com>  
**Sent:** Friday, January 29, 2016 2:22 PM  
**To:** Ortega, Kelli  
**Subject:** Re: Miss Universe L.P., LLLP v. Grandia



Dear Mrs. Kelly Ortega,

Your non-compliance claims are based on your **unilateral opinion**. Our answers to discovery questions are no different than the manner and tonality that you have responded to our discovery request; meaning that in such case, you have failed to comply with your discovery obligations.

In view that: (1) you did not mention anything about or discovery answers in your previous email, (2) we have answered your request to review our discovery answers within the imposed deadline allowing sufficient time for you to read and react (3) your firm sending us these request and treats at the very last moment, (we are 6 hours ahead) our office already closed (4) sending us a second email claiming that more time is required as result from some kind of non-compliance.

All of the above indicate that your necessity for additional time are internal to your office and not related to the forgoing case nor generated by us, our neglect or bad faith; therefore, we do not agree or accept the fictitious claims of non-compliance as an excuse or strategy to generate unnecessary delays and expenditures.

Best Regards,

**Linda Grandia**

---

### **Multiverse Ventures BV**

Phone: + 31- 33 4625501 Mobile: +31 - 6 38056135  
Skype: MissMultiverseTV  
Keplerstraat 13, 3817TA Amersfoort, Netherlands  
KvK registration: 62253972



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**From:** "Ortega, Kelli" <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>

**Date:** Friday, January 29, 2016 at 16:24

**To:** Linda <[info@missmultiverse.com](mailto:info@missmultiverse.com)>

**Subject:** Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

This email is in furtherance of the below. We have received your supplemental responses and objections to Opposer's Discovery Requests. Your supplemental responses are still not compliant with your discovery obligations. We will be sending you additional correspondence shortly which details the issues remaining with your responses to the Discovery Requests. Because you have failed to comply with your discovery obligations, we will be required to seek additional time from the Board in which to conduct discovery given the upcoming deadlines. As requested below, we request that you consent to a 60-day extension of the discovery period by responding to this message no later than **close of business today, Friday, January 29, 2016**. If you do not consent to the 60-day extension, we will move the Board to extend the discovery period.

We look forward to hearing from you.

Thank you,  
Kelli Ortega

**Kelli Ortega**

Kelley Drye & Warren LLP  
(212) 808-7755 | [kortega@kelleydrye.com](mailto:kortega@kelleydrye.com)

---

**From:** Ortega, Kelli

**Sent:** Friday, January 29, 2016 9:35 AM

**To:** '[info@missmultiverse.com](mailto:info@missmultiverse.com)' <[info@missmultiverse.com](mailto:info@missmultiverse.com)>

**Subject:** Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

As you know, discovery is set to close in this opposition on March 1, 2016. Please confirm if you will consent to a 60-day extension of the discovery period to allow both parties to conduct further discovery by responding to this message by **close of business today, Friday, January 29, 2016**. If you agree, we will file the motion on consent.

We look forward to hearing from you.

Thank you,  
Kelli Ortega

The information contained in this E-mail message is privileged, confidential, and may be protected from disclosure; please be aware that any other use, printing, copying, disclosure or dissemination of this communication may be subject to legal restriction or sanction. If you think that you have received this E-mail message in error, please reply to the sender.

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## Ortega, Kelli

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**From:** Ortega, Kelli  
**Sent:** Tuesday, March 15, 2016 5:32 PM  
**To:** 'info@missmultiverse.com'  
**Subject:** Miss Universe L.P., LLLP v. Grandis  
**Attachments:** Letter to Grandia 3.15.16.pdf

Dear Ms. Grandia:

Please find attached a letter regarding your discovery obligations with respect to Opposition No. 91220573. We are sending the original to you via FedEx.

Sincerely,  
Kelli Ortega

**KELLEY**  

---

**DRYE**

**Kelli Ortega**

Kelley Dye & Warren LLP  
101 Park Avenue, 27th Floor  
New York, NY 10178  
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[Website](#)

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March 15, 2016

**VIA FEDEX AND E-MAIL (INFO@MISSMULTIVERSE.COM)**

Linda Grandia  
G & G Exchange  
Keplerstreet 13  
Amersfoort, 3817TA  
Netherlands

Re: Miss Universe L.P., LLLP v. Grandia; Opposition No. 91220573

Dear Ms. Grandia:

We have reviewed your supplemental objections and responses to Opposer's Discovery Requests, along with your additional two page document production, served on January 19, 2016. Your document production and supplemental Responses remain wholly inadequate and fail to sufficiently respond to many of Opposer's requests. Please consider this our final good faith attempt to resolve these discovery disputes amicably pursuant to 37 CFR § 2.120(e)(1). Given the current discovery deadline of May 29, 2016, we intend to move to compel satisfactory responses if we do not have the information requested no later than **March 30, 2016**.

Applicant's Supplemental Responses to Opposer's Interrogatories and Document Requests

It is well established that any information reasonably calculated to lead to the discovery of admissible evidence is properly discoverable. *See* TBMP 402.01. As set forth more fully below, you have objected to several of Opposer's discovery demands without a sufficient basis and we request that you rectify these deficiencies.

You provided few substantive supplemental responses to Interrogatory Nos. 1-44. Further, many of your responses, as detailed below, are non-responsive to the extent that they do not provide the information the interrogatories seek. The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection may be deemed waived absent good cause. TBMP § 405.04(b); Fed. R. Civ. P. 33(b)(4); *see also Amazon Technologies, Inc. v. Jeffrey S. Wax*, 93 USPQ2d 1702 (TTAB 2009). A party resisting discovery has the burden to specifically show how each interrogatory or discovery request is

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overly broad, burdensome or oppressive, as well as to state if responsive documents exist, 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. TBMP § 406.04(c); Fed. R. Civ. P. 34(b)(2)(C); *see e.g. In re E.I. Du Pont*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973); *see also No Fear, Inc. v. Rule*, 54 U.S.P.Q.2d. 1551, 1555 (T.T.A.B. 2000). As such, boilerplate general objections including without limitation unsubstantiated claims such as undue burden, overbreadth or lack of relevancy, while producing few documents and answering few interrogatories, are impermissible.

Your supplemental responses to Opposer's Discovery Request Nos. 1-40 likewise remain wholly deficient and provide no guidance as to the basis of your objections or the existence of responsive documents. You responded to Discovery Request Nos. 1, 3, 7, 8, 10, 12, 13, 16, 17, 18, 23, 37, 38 and 40 stating that "information may be readily available within the attached exhibits that are responsive to this request," however, the produced documents are nonresponsive or provide incomplete responses. Further, for Discovery Request Nos. 1-40 you fail to state whether you conducted a diligent search of your records or whether any of the requested documents exist. Moreover, you cannot plausibly allege that the numbered requests below are not reasonably calculated to lead to the discovery of admissible evidence. The information and documents sought by Opposer are properly discoverable pursuant to TBMP § 402.01. If you are withholding documents on the basis of relevance in response to any of these requests, please identify the categories of documents withheld with respect to each such request and the rationale as to why such documents are not discoverable.

As to the relevance objections and other specific objections you raised in Opposer's numbered interrogatories and documents requests, we address their respective deficiencies below:

#### Applicant's Responses to Opposer's Interrogatories and Document Requests

Interrogatory No. 2 and Document Request Nos. 1 and 2 seek information relating to the creation, design, development and adoption of the MISS MULTIVERSE mark. Your supplemental response to Document Request No. 1 states that the request is duplicative of Interrogatory No. 1. Your supplemental response to Document Request No. 2 states that your Benelux and United States trademarks "have been extensively researched," but fails to identify or provide any documents relating to said research. Your supplemental response to Interrogatory No. 2 remains vague and does not adequately describe fully the facts and circumstances surrounding the MISS MULTIVERSE mark. Further, your assertion that Document Request No. 2 is duplicative of Interrogatory No. 2 is incorrect, as the document request seeks the production of documents, whereas the interrogatory seeks a written response. In addition, your supplemental response to Document Request No. 1 states that the information is "readily available within the attached exhibits." The documents you have produced, however, are not

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responsive to this request. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 4 and 5 and Document Request Nos. 3,4 and 5 seek information regarding the formation of and persons involved with G & G Exchange and “persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.” Your supplemental responses to Interrogatory Nos. 4 and 5 state that you are “the relevant contact person” or “person responsible” for all matters relating to the MISS MULTIVERSE mark. These responses are non-responsive to the extent that these requests do not seek only the person “responsible” for matters concerning the MISS MULTIVERSE mark, and in fact seeks the identity of all persons involved with G & G Exchange and/or the MISS MULTIVERSE Services. Your supplemental response to Document Request No. 4 further states that parties may not engage in “fishing expeditions.” In your application for the MISS MULTIVERSE mark, G & G Exchange is listed under correspondent’s contact information. Further, your website located at [www.missmultiverse.com](http://www.missmultiverse.com) also states that you founded G & G Exchange and that it is “the leading pageant company in the Netherlands. Corporate relationships between Applicant and controlled entities, or their employees or principles, and their involvement and duties regarding the mark at issue in this proceeding are properly discoverable. Opposer’s requests are therefore clearly relevant in that information regarding officers, stockholders, board members, investors and donors of companies related to a party are discoverable, as are individuals with knowledge regarding Applicant’s use of the mark. TBMP § 414 (12), (14). We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 6 and 7 and Document Request Nos. 6, 28, 31 and 32 seek information regarding the expenses and revenues associated with the MISS MULTIVERSE pageants. You object in your supplemental responses to these requests on the grounds that the requests seek disclosure of information that is “confidential and proprietary trade secrets” and that “parties may not engage in ‘fishing expeditions’ and must act reasonably in framing discovery requests.” You further object in your supplemental response to Document Request No. 6 on the grounds that it is duplicative of Document Request Nos. 29, 31 and 31. These requests are not duplicative of one another. Document Request No. 6 seeks financial documents demonstrating all revenue and expenses associated with the MISS MULTIVERSE Services, Document Request No. 29 is limited to sales or licenses of the MISS MULTIVERSE SERVICES, Document Request No. 31 is limited to gross revenue generated from the MISS MULTIVERSE Services, and Document Request No. 32 is limited to projected gross revenue to be generated from the MISS MULTIVERSE Services. Your objections are improper because pursuant to TBMP § 414 (18) and other authority, “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; if a responding party considers such information to be confidential, disclosure may be made under protective order.” Further, any conveyances affecting the ownership of, or other rights to,

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including the right to use, sell, promote and/or distribute, the trademarks at issue are directly relevant to whether Applicant has a basis to assert ownership of the mark. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 8 and 38 and Document Request Nos. 7 and 37 seek information regarding your applications and/or registrations for the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office. Your state in your supplemental responses to Document Request Nos. 7 and 37 that the information is “readily available within the attached exhibits,” however, your produced documents are not responsive to these request. Your supplemental response to Interrogatory No. 8 is non-responsive to the extent that it does not describe fully the facts and circumstances surrounding your application for the MISS MULTIVERSE mark and contains irrelevant information. Your supplemental response to Interrogatory No. 38 states that it is duplicative of the information sought in Document Request No. 37. This assertion is incorrect, as the document request seeks the production of documents, whereas the interrogatory seeks a written response. You further state in your supplemental response to Documents Request No. 37 that you have excluded evidence that you reserve with the intent to offer at trial, which indicates that you are withholding responsive documents. Pursuant to TBMP § 408.02, if a responding party conducts an incomplete search of its records and provides an incomplete response to a discovery request, she “may not thereafter rely at trial on information from [her] records which was property sought in the discovery request but was not included in the response thereto.” We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Document Request Nos. 8, 9, 10, 11, 12 and 13 seek information regarding the registration, use, transfer and/or sale of the domain names *missmultiverse.com*, *msmultiverse.com* and *mrsmultiverse.com* which consist primarily of the mark MISS MULTIVERSE or a similar mark. Your supplemental responses to Interrogatory Nos. 8, 10 and 12 state that the information is “readily available within the attached exhibits,” however, your produced documents are not responsive to these request. Your use of the mark MISS MULTIVERSE and related domain names for pageants and related goods is relevant to your contention that it is entitled to registration based upon its use of the MISS MULTIVERSE mark. TBMP §414(5); *Double J of Broward Inc. v. Skalony Sportswear GmbH*, 21 U.S.P.Q.2d. 1609, 1612 (T.T.A.B. 1991). Moreover, your use of marks other than the applied for MISS MULTIVERSE mark for beauty pageants and related goods and services, including but not limited to the MRS. MULTIVERSE and MS. MULTIVERSE marks, is relevant to your motivation for seeking use and registration of the disputed mark and the availability of alternatives to the disputed mark. “Information that a party sells the same goods or services as the propounding party, even if under a different mark, is relevant to the issue of likelihood of confusion.” See TBMP § 414 (11); *Sterling Drug Inc. v. Sebring*, 515 F.2d. 1128, 185 USPQ 649, 652 (CCPA 1975) (if a mark has come to identify the business of opposer, “its use by

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another may well lead the public to believe there is some connection, and confusion as to the origin or sponsorship of a product may well result"). We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 15, 16 and 43 seek information regarding your use of and plans to expand the use of the MISS MULTIVERSE mark. Your supplemental response to Interrogatory No. 43 states that "Defendants primary expansion mission is to distant the image of her mark from pageants . . ." (sic). This response is non-response to the extent that it is vague, ambiguous and does not explain in detail your plans to expand the use of your pageant services including your recent launch of clothing and other promotional items bearing the MISS MULTIVERSE Mark. Your use and/or intended use of the mark MISS MULTIVERSE is unquestionably relevant to the likelihood of confusion analysis at issue in this proceeding. Additionally, your responses to Interrogatory Nos. 15 and 16 have not been supplemented and remain inadequate in that the responses merely state that the mark at issue is MISS MULTIVERSE and that the title of MISS MULTIVERSE is awarded to the winners of the competition. These responses fail to describe in detail the full nature and extent of your plans to use the MISS MULTIVERSE mark. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 19 and Document Request No. 23 seek information regarding any broadcast of the MISS MULTIVERSE pageants and Interrogatory No. 20 and Document Request No. 21 seek the identity of sponsors of the MISS MULTIVERSE pageants. Your supplemental response to Interrogatory No. 19 remains incomplete in that it does not provide all of the information sought in the interrogatory, such as which pageants were aired on which vehicles of broadcast as well as the specific dates of broadcast. Your supplemental responses to Interrogatory No. 20 and Documents Request No. objects on the grounds that parties may not engage in "fishing expeditions" and that the information is confidential. Your objections are improper as your use and/or intended use of the MISS MULTIVERSE mark, including but not limited to sponsors and/or intended sponsors of your pageants, are without a doubt relevant to the likelihood of confusion analysis. In addition, objections based on the confidentiality of information or proprietary and/or trade secret matter being sought are improper, especially on a wholesale basis, in view of the automatic imposition of the Board's standard protective order. TBMP § 405.04(a); 412; 37 CFR § 2.116(g). Even in the absence of the Board's standard protective order, sponsors, for example, are by the nature public, and therefore the identities of sponsors of yours pageants is not confidential information. Your supplemental response to Document Request No. 23 states that the requested information is "available within the attached exhibits," however the produced documents provide little to no information regarding the broadcast of the MISS MULTIVERSE Services. In addition, you indicate that "[i]nformation may be available for review by outside counsel for the parties if compelled by the court," indicating that responsive documents exist. Pursuant to TBMP § 408.02, if a responding party conducts an incomplete search of its records and provides an incomplete response to a discovery

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request, she “may not thereafter rely at trial on information from [her] records which was properly sought in the discovery request but was not included in the response thereto.” We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Document Request No. 19 seeks copies of any recordings for each of the MISS MULTIVERSE Services. Your supplemental response to Document Request No. 19 objects on the basis that it is unjust and the “expense of proposed discovery greatly outweighs the benefit.” To extent that you state that Document Request No. 19 constitutes an undue expense and/or burden, the need for such discovery certainly outweighs any inconvenience to the Applicant in producing such information given the relevancy of the information requested. TBMP § 402.02. We therefore reiterate our demand that you provide a supplemental response to this request immediately.

Interrogatory Nos. 21 and 25 and Document Request No. 22 seek information regarding all venues or potential venues where your MISS MULTIVERSE pageants have been held. Your supplemental response to Interrogatory Nos. 21 and 25 state that it is duplicative of the information sought in Document Request No. 32. This assertion is incorrect, as the document request seeks the production of documents, whereas the interrogatories seek a written response. Your supplemental response to Documents Request No. 22 states that “Miss Multiverse is not in the business of owning, selling or renting venues or locations” and objects on the basis that the request will not lead to the discovery of admissible evidence. Your objection is improper as your use and/or intended use, including but not limited to venues and potential venues and channels of trade in which your pageant services and related goods are promoted, marketed, distributed and/or sold, is squarely relevant to the likelihood of confusion analysis. Further, it is presumable that MISS MULTIVERSE Services are held in some form of a venue, regardless of whether you own, sell or rent the venues themselves. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 22 and Document Request Nos. 14, 15, 16, 17, 24 and 25 seek information regarding use of the MISS MULTIVERSE mark in connection with the MISS MULTIVERSE Services. Your supplemental response to Interrogatory No. 22 is incomplete, vague and ambiguous to the extent that it does not describe in detail “each and every use” of the MISS MULTIVERSE Mark in connection with television shows. You additionally object that Interrogatory No. 22 is overly broad and constitutes an undue burden and expense, but you fail to adequately explain why providing such information would be unduly burdensome nor how you believe the request is overbroad. Your supplemental responses to Document Request Nos. 14 and 15 objects on the grounds the requests constitute improper “fishing expeditions.” Your objections are improper because your use and/or intended use of the MISS MULTIVERSE is central to the likelihood of confusion analysis and therefore directly relevant to the current proceeding. In your supplemental responses to Document Request Nos. 16 and 17, you state that

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“information may be readily available within the attached exhibits” and further state that Document Request No. 16 is “not specific.” The documents provided by you in response to Opposer’s Discovery Requests, however, do not include information regarding your first use of the MISS MULTIVERSE mark. Moreover, Document Request No. 16 clearly seeks documents which demonstrate the first use of the MISS MULTIVERSE mark in connection with beauty pageants and therefore is specific. Your supplemental responses to Document Request Nos. 24 and 25 object on the grounds that the requests are duplication of Document Request Nos. 26, 27 and 28. Your objections are improper because Document Request No. 24 seeks copies of media coverage of the MISS MULTIVERSE Services and Document Request No. 25 seeks samples of every use of the mark MISS MULTIVERSE in connection with the MISS MULTIVERSE Services, whereas Document Request No. 26 seeks documents relating to marketing plans for the MISS MULTIVERSE Services, Document Request No. 27 seeks documents relating to use, promotion and future marketing plans for the MISS MULTIVERSE Services and Document Request No. 28 seeks documents relating to advertising and promotional expenditures. The requests therefore are distinct and not duplicative. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 27 and 28 and Document Request Nos. 26 and 27 seek information regarding the sale, advertisement, promotion, marketing and/or distribution of MISS MULTIVERSE Services. You object in your supplemental responses to Document Request Nos. 26 and 27 on the grounds that the requests are “fishing expeditions” and that “Opposer is the party who has to demonstrate that [materials] have been brought to their attention and raised their motivation to lawfully file claims of brand confusion.” Your use and/or intended use of the MISS MULTIVERSE mark, including but not limited to the sale, advertisement, promotion, marketing and/or distribution of the MISS MULTIVERSE Services, is directly at issue in the current proceeding and relevant to the issue of the channels of trade in which your pageant services and related goods are marketed and sold and are relevant to the likelihood of confusion analysis and therefore discoverable. *See e.g.* TBMP § 414 (3), (15), (16), (17). Further, Opposer does not bear the burden of demonstrating instances of actual confusion in an opposition proceeding. Your supplemental response to Interrogatory No. 27 is non-responsive and/or incomplete to the extent that the interrogatory does not seek the entity that “manages all direct sales and business related with the Miss Multiverse Mark,” and instead seeks *all* individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services. Your supplemental response to Interrogatory No. 28 is also inadequate to the extent that it is vague, ambiguous and does not identify all newspapers, magazines, publications, websites, television and radio stations and/or shows where you market, advertise and promotion your goods and services. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 29 and 37 and Document Request Nos. 29, 30, 33 and 34 seek information regarding use by any third party of the mark MISS MULTIVERSE. Your

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supplemental responses to Interrogatory No. 37 and Document Request Nos. 29, 30, 33 and 34 object on the basis that the requests are not reasonably calculated to the discovery of admissible evidence,” seek confidential information, and that the requests constitute “fishing expedition.” Your objections are improper because any conveyances affecting the ownership of, or other rights to, the trademarks at issue are directly relevant to whether you has a basis to assert ownership of the mark. *See, e.g., Johnston Pump/General Valve Inc. v. Chromalloy American Corp.*, 10 USPQ2d 1671 (TTAB 1988) (licensing agreements and arrangements between opposer and third parties and amount of sales thereto are relevant). According to the TBMP, “information concerning a party’s awareness of third-party use and/or registration of the same or similar marks . . . is discoverable to the extent that the responding party has actual knowledge thereof. TBMP § 414 (9). Therefore these requests pertaining to third party use of the MISS MULTIVERSE mark, including but not limited to sales, licenses and assignments, are clearly relevant and do not constitute a fishing expedition. Your further state in response to Document Request No. 30 that information “may be readily available within the attached exhibits,” however the documents have produced are non-response and/or incomplete. Your supplemental response to Interrogatory No. 29 states that “no third parties use the mark Miss Multiverse,” however, documents you have produced in response to Opposer’s Discovery Requests indicate that you have entered into agreements with third parties in connection with the promotion and/or distribution of goods and services bearing the MISS MULTIVERSE mark, therefore your response to this interrogatory is therefore non-responsive and/or incomplete. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 34 and Document Request No. 18 seek information regarding the format of the MISS MULTIVERSE pageants, including preliminary pageants if any. Your supplemental response to Document Request No. 18 objects on the basis that the request is a “fishing expedition” and duplicative of Interrogatory Nos. 33 and 34. The format of the MISS MULTIVERSE pageants is directly relevant to the issue of likelihood of confusion. Further, Interrogatory Nos. 33 and 44 seeks only descriptions regarding the rules and/or format of the MISS MULTIVERSE pageants, whereas Document Request No. 18 seeks documents pertaining to the format of the pageant, therefore the requests seek different information and are not duplicative. Further, your supplemental response to Interrogatory No. 34 is non-responsive and/or incomplete to the extent that it states that “Miss Multiverse does not have the same format each year,” but fails to describe in detail the format of the pageant each year. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory No. 35 and Document Request Nos. 35 and 38 seek Applicant’s knowledge of Opposer’s MISS UNIVERSE Marks and pageants, including the circumstances under which Applicant first became aware of Opposer’s MISS UNIVERSE Marks. Your supplemental responses to Document Request Nos. 35 and 38 object on the basis that the requests require you to “marshal all of [your] evidence which is not a permissible enquiry” and that you do not have any documents in your possession other than those available on the USPTO

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website and/or the documents which you purport to reserve as evidence for use at trial. Your objections are improper to the extent that your knowledge of Opposer and its marks prior to the selection and adoption of the MISS MULTIVERSE mark is directly relevant to Opposer's claim of likelihood of confusion and priority of use. Pursuant to TBMP § 414 (19), information concerning Applicant's knowledge of Opposer's MISS UNIVERSE marks, including whether Applicant has actual knowledge thereof, and, if so, when and under what circumstances it acquired such knowledge, is discoverable. See *Volkswagenwerk Aktiengesellschaft v. MTD Products Inc.*, 181 USPQ 471, 473 (TTAB 1974) (corporate applicant's knowledge of use by Opposer or by the public or the trade, is relevant); *American Optical Corp. v. Exomet, Inc.*, 181 USPQ 120, 123 (TTAB 1974) (corporate applicant required to search its files to determine when it acquired actual knowledge of opposer's marks). Further, you allege that you have knowledge of the pageant industry and the "traditional" pageant format, and base several of your responses to Opposer's Discovery Requests upon a claim that you have knowledge of "traditional" pageants. Therefore, it is likely you possesses knowledge about Opposer's MISS UNIVERSE mark, which you admit has been used in connection with pageants for over sixty years. In addition, pursuant to TBMP § 408.02, if a responding party conducts an incomplete search of its records and provides an incomplete response to a discovery request, she "may not thereafter rely at trial on information from [her] records which was property sought in the discovery request but was not included in the response thereto." Your supplemental response to Interrogatory No. 35 is similarly non-responsive and/or inadequate to the extent that it seeks a description of your knowledge of Opposer's marks and makes no assumptions regarding the extent of said knowledge. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Interrogatory Nos. 42 and 44 and Document Request No. 40 seek disclosure of persons with knowledge concerning the facts which support Applicant's denial of any allegation in the Notice of Opposition and documents consulted or referred to by Applicant in connection with preparing its discovery responses. You state in your supplemental responses that "Linda Grandia is the relevant contact person with knowledge related to the present proceedings" and "the person producing documents and preparing responses" but fail to state whether other persons with relevant knowledge exist and fail to identify or produce documents responsive to Interrogatory No. 44. You object in your supplemental response to Document Request No. 40 on the basis that it is not a "permissible enquiry," that you are excluding evidence which you intent to offer at trial, and that the information may be "readily available within the attached exhibits." Opposer is entitled to disclosure of the persons who know the facts necessary to answer questions about the very basis of your claims and defenses, Opposer's claims and defenses, and your denials of Opposer's allegations thereof. This information and the documents consulted in preparing Opposer's responses are therefore directly relevant and properly discoverable. See TBMP § 402.01; *Varian Associates v. Fairfield-Noble Corp.*, 188 USPQ 581, 583 (TTAB 1975) (relevancy construed liberally; must identify knowledgeable employees). Further, you may not withhold responsive documents on the grounds that you intend to reserve the information to be

KELLEY DRYE & WARREN LLP

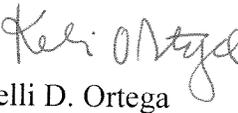
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used as evidence at trial. TBMP § 408.02. We therefore reiterate our demand that you provide supplemental responses to these requests immediately.

Opposer therefore requests that you immediately provide proper responses to all of these requests.

We look forward to receiving the your appropriate and complete responses and all responsive documents no later than **March 30, 2016**. Please be advised that absent adequate responses from you, Opposer intends to move to compel such information and documents. Furthermore, in the absence of satisfactory responses and production from you, Opposer will object to your use of any such information and documents in support of its claims or defenses. *See* TBMP § 527.01(a)-(e).

Very truly yours,

  
Kelli D. Ortega

cc: IMG Universe, LLC  
Andrea L. Calvaruso, Esq.

## Ortega, Kelli

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**From:** Miss Multiverse International <info@missmultiverse.com>  
**Sent:** Monday, April 04, 2016 8:02 PM  
**To:** Ortega, Kelli  
**Subject:** Re: Miss Universe L.P., LLLP v. Grandia



Dear Mrs Kelli Ortega,

In conclusion and according to your understanding, the emails and letters you have send us, constitute and define the meaning of “meet and confer,” therefore, please keep in mind that we have also served numerous emails and correspondences pursuant to, TBMP 408.01(c) as our attempts and efforts to “meet and confer” in good faith to settle the outstanding disputes regarding your argumentative and/or vague, discovery questions that are seeking privileged information. In addition to settle your evasive response to our request for admissions.

With regards to previous discovery closing dates. An extension of time was mutually agreed following the proper procedures and approved by the board; therefore this does not represent a default as you mention here, as to imply that opposing party is now granted proviliges to set dates that are not equal for both parties. It is clear and lawful pursuant to TBMP 405.04(a), 406.04(a) and 407.03(a) that both parties have 30 days after the date of service if service of the requests is made by first-class mail.

With respect to withholding the information regarding IMG Universe since September 2015, puts us on a disadvantage to the extend that we have not included discovery questions related to the subject matter.

Best Regards,

**Linda Grandia**

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### **Multiverse Ventures BV**

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Skype: MissMultiverseTV  
Keppelerstraat 13, 3817TA Amersfoort, Netherlands  
KvK registration: 62253972



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**From:** "Ortega, Kelli" <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>

**Date:** Monday, April 4, 2016 at 22:54

**To:** Linda <[info@missmultiverse.com](mailto:info@missmultiverse.com)>

**Cc:** "Gaven, Amy" <[AGaven@KelleyDrye.com](mailto:AGaven@KelleyDrye.com)>, "Calvaruso, Andrea" <[ACalvaruso@KelleyDrye.com](mailto:ACalvaruso@KelleyDrye.com)>

**Subject:** RE: Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

With respect to your question regarding what constitutes a "meet and confer," we direct you to TBMP 408.01(c), which states that parties must attempt to resolve discovery disputes by conference or correspondence. Our previous letters, dated March 15, 2016, January 12, 2016 and December 17, 2015, constitute our attempts to settle the outstanding disputes regarding your incomplete discovery responses.

In response to your assertion that you will provide the information requested in our client's discovery requests under "the proper confidentiality protection," we direct you to TBMP 412, which provides information regarding the Board's standard protective order which applies to this proceeding.

With respect to your inquiry regarding why IMG Universe, LLC ("IMG") was not disclosed during the disclosure period, please note that IMG was assigned title and interest to the MISS UNIVERSE mark in September 2015, long after this proceeding was commenced, and after Initial Disclosures were submitted.

Pursuant to TBMP 405.04(a), 406.04(a) and 407.03(a), responses and objections to Interrogatories, Requests for Production and Requests for Admission, respectively, must be served within 35 days after the date of service if service of the requests is made by first-class mail. Opposer will respond to your discovery requests within the time period required by the TTAB and Federal Rules. In response to your assertion that you have been given less time to respond to our client's Discovery Requests, please be advised that pursuant to the TBMP Rules, you were given 35 days to respond to the Requests when they were initially served on November 10, 2015. You failed or refused to respond to the Requests within the time period permitted by the Rules and therefore you are in default of your discovery obligations.

Thank you.

Best,  
Kelli Ortega

## Kelli Ortega

Kelley Drye & Warren LLP  
(212) 808-7755 | [kortega@kelleydrye.com](mailto:kortega@kelleydrye.com)

---

**From:** Miss Multiverse International [<mailto:info@missmultiverse.com>]

**Sent:** Wednesday, March 30, 2016 11:38 AM

**To:** Ortega, Kelli <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>

**Cc:** Linda Grandia <[lindagausachs@gmail.com](mailto:lindagausachs@gmail.com)>

**Subject:** Re: Miss Universe L.P., LLLP v. Grandia



Dear Mrs. Kelly Ortega,

Please be so kind to further elaborate what it is you mean by:

(attempts to meet and confer with you to discuss your discovery responses)

We have not received any such request to meet and confer from you unless meet and confer has a different meaning from your point of view. Furthermore your repeated mentions of "Refusal" are unnecessary as you clearly know we are not in refusal but protecting our privacy and careful with your dual meaning and pitfall questions designed to harm our case. We have clearly mentioned that we are happy to provide any information to the board under the proper confidentiality protection.

Furthermore, your answer to our recent email with regards to dates for you to respond to our request of admissions, mentions that you have 30 days to comply, why then do you believe that we should have less time than you and what gives you the authority to place the deadlines. Kindly site the USTPO rule or law that grants Opposing party these additional and unilateral rights.

We are on the same and equal situation, we have also not received proper answers to our request for admissions and discovery questions, your answers are altogether no different than our answers. Not to mention that you did not include IMG during disclosure period, leaving us uninformed. We have clockwise asked you to revise the questions and your answer to this request has been that you have 30 days by law to comply. Not having proper answers to our requests for admissions puts us on a disadvantage, we seek to be on the same page with equal rights and access to information and the board has allowed sufficient time to achieve this.

Opposing party was the one who moved the board requesting additional time and this time was granted by the board, we do not understand why now the hurry and rush that Opposers hereby seek to impose. We are following the boards written recommendations to seek legal advice, we are currently researching and seeking legal advice from third parties that have to first read and catch up with the foregoing case in order to properly advise; therefore, we have no possibility to

respond prior to the 15th of May. This clearly does not represent refusal from our part; if you cannot agree to this, then please feel free to disturb the board with unnecessary motions to compel disregarding the boards advised whom ordered both parties to amicably work out the discovery process and allowed until the 29th of May for the parties to satisfy the discovery needs of its adversary.

We hereby accept the extension of time until Monday April 4th, 2016 and further request that before 12:00pm April 3rd, 2016 we are provided with your decision with regards to the 15th of May or your decision to compel discovery.

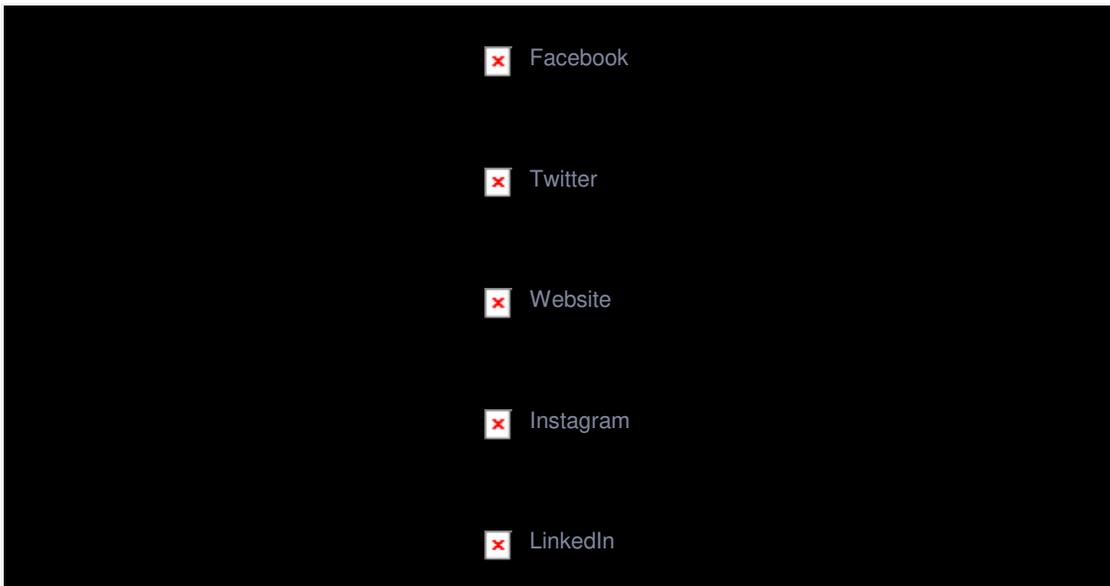
Best Regards,

**Linda Grandia**

---

**Multiverse Ventures BV**

Phone: + 31- 33 4625501 Mobile: +31 - 6 38056135  
Skype: MissMultiverseTV  
Keppelerstraat 13, 3817TA Amersfoort, Netherlands  
KvK registration: 62253972



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**From:** "Ortega, Kelli" <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>  
**Date:** Wednesday, March 30, 2016 at 15:40  
**To:** Linda <[info@missmultiverse.com](mailto:info@missmultiverse.com)>  
**Cc:** Linda Grandia <[lindagausachs@gmail.com](mailto:lindagausachs@gmail.com)>  
**Subject:** RE: Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

We are unable to agree to an extension of time until May 15, 2016 to respond to our client's discovery requests. We will, however, agree to extend your time to respond until **Monday, April 4, 2016**. We have previously made several attempts to meet and confer with you to discuss your discovery responses and obligations. Please be advised that given your previous refusals to meet and confer, if your responses are not proper and complete on April 4<sup>th</sup>, we are prepared to move to compel proper discovery responses.

Thank you.

Best,  
Kelli Ortega

**Kelli Ortega**

Kelley Drye & Warren LLP  
(212) 808-7755 | [kortega@kelleydrye.com](mailto:kortega@kelleydrye.com)

---

**From:** Miss Multiverse International [<mailto:info@missmultiverse.com>]  
**Sent:** Tuesday, March 29, 2016 3:29 PM  
**To:** Ortega, Kelli <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>  
**Cc:** [info@missmultiverse.com](mailto:info@missmultiverse.com); Linda Grandia <[lindagausachs@gmail.com](mailto:lindagausachs@gmail.com)>  
**Subject:** FW: Miss Universe L.P., LLLP v. Grandis



Dear Mrs. Kelly Ortega,

The board reseted the discovery date to May 29, 2016 allowing sufficient time for each party to satisfy the discovery needs of its adversary.

Opposers discovery request are numerous and Defendant also require legal advise; therefore, we are able to respond by 5/15/2016 well within the discovery time granted by the board.

We hereby inform you with sufficient time; in the case where, Opposing party finds that our time requirement does not meet their discovery process deadlines, we can mutually agree on requesting from the board an additional extension of time.

We hereby ask you to respond with your answer to this agreement before 12:00pm NY time, Wednesday 30th, March 2016.

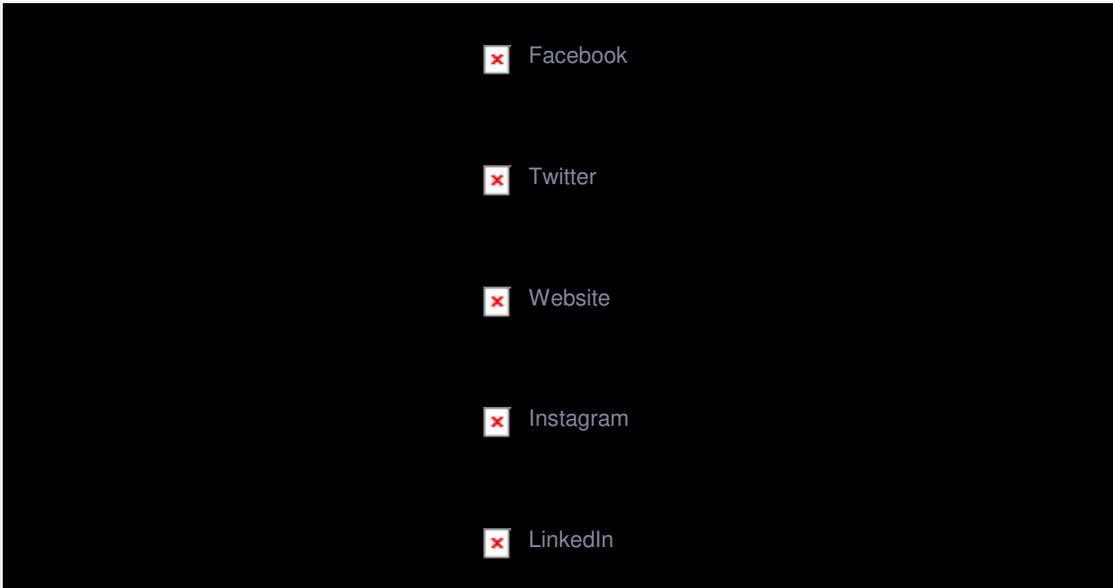
Best Regards,

**Linda Grandia**

---

**Multiverse Ventures BV**

Phone: + 31- 33 4625501 Mobile: +31 - 6 38056135  
Skype: MissMultiverseTV  
Kepplerstraat 13, 3817TA Amersfoort, Netherlands  
KvK registration: 62253972



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**From:** "Ortega, Kelli" <[KOrtega@KelleyDrye.com](mailto:KOrtega@KelleyDrye.com)>

**Date:** Tuesday, March 15, 2016 at 22:32

**To:** Linda <[info@missmultiverse.com](mailto:info@missmultiverse.com)>

**Subject:** Miss Universe L.P., LLLP v. Grandis

Dear Ms. Grandia:

Please find attached a letter regarding your discovery obligations with respect to Opposition No. 91220573. We are sending the original to you via FedEx.

Sincerely,  
Kelli Ortega



**Kelli Ortega**

Kelley Drye & Warren LLP  
101 Park Avenue, 27th Floor  
New York, NY 10178  
(212) 808-7755 | [kortega@kelleydrye.com](mailto:kortega@kelleydrye.com)  
[Website](#)

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## **EXHIBIT B**



No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR PRODUCTION

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Opposing Counsel's Request for Document Production ("Production") as set forth below.

- 1) All Documents and things which relate or refer to Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark, including but not limited to any investigations or searches, and all documents which indicate the first date of adoption and use of the MISS MULTIVERSE Mark by Applicant in the United States.

*Answer to request No. 1: Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties." Subject to and without waiving the foregoing objections, Plaintiff responds that information may be readily available within the attached exhibits that are responsive to this request.*

- 2) All Documents and things which relate to any trademark searches performed by Applicant or on its behalf regarding the adoption of the MISS MULTIVERSE Mark, including any opinion letters, if any.

*Answer to request No. 2: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 3) All Documents and things regarding the formation of G & G Exchange.

*Answer to request No. 3: Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the Netherlands Government KVK registration website and easily accessible. Defendants object this Request on the grounds that the constitution of G&G Exchange is irrelevant to a dispute of brand confusion, therefore opposer seeks disclosure of confidential information that is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 4) Documents sufficient to identify the officers, board, investors, and donors of the G &G Exchange.

*Answer to request No. 4: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

- 5) Documents sufficient to identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

*Answer to request No. 5: Defendant objects to this Request on the ground that it seeks disclosure of confidential third party employee, contractors and business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements. Defendant object to this Request insofar as it seeks production of information that is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 6) Financial Documents sufficient to demonstrate in detail the expenses and revenues associated with each of the MISS MULTIVERSE Services.

*Answer to request No. 6: Defendants object to this Request on the grounds that it seeks the disclosure of financial and confidential information that is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion".*

- 7) All Documents and things which relate or refer to Applicant's application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

*Answer to request No. 7: Plaintiffs object to this Request as being equally available. The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."*

- 8) All Documents and things relating to Applicant's registration and use of the domain name missmultiverse.com including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 8: Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."*

9) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

*Answer to request No. 9: Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available back links domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, “except where the information is not equally available to both parties.”*

10) All Documents relating to Applicant's registration and use of the domain name. msmultiverse.com, including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 10: Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, “except where the information is not equally available to both parties.”*

11) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

*Answer to request No. 11: Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, “except where the information is not equally available to the propounding party.”*

12) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com , including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 12: Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, “except where the information is not equally available to the propounding party.”*

13) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com , including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 13: Plaintiffs object to this Request as being equally available. The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. A party has an obligation to make a reasonable and good faith effort to obtain requested information, “except where the information is not equally available to the propounding party.”*

14) All Documents and things relating to Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

*Answer to request No. 14: Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

15) All Documents and things which relate or refer to Applicant's use of the MISS MULTIVERSE Mark, including but not limited to all internal correspondence, business plans, proposals and drafts thereof.

*Answer to request No. 15: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

16) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with beauty pageants.

*Answer to request No. 6: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request and/or via the Miss Multiverse website.*

17) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with reality television programs.

*Answer to request No. 6: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

18) All Documents and things which describe the format of Applicant's MISS MULTIVERSE pageant, including any preliminary contests, if any.

*Answer to request No. 6: Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties and is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

19) Copies of any video or other recordings of each of Applicant's MISS MULTIVERSE Services

*Answer to request No. 6: Defendant objects on the basis that the burden is unjust, production and expense of proposed discovery greatly out weights the benefit, taking in to account the needs of the case. Defendant would have to hire media specialist, to review, transcode and convert video format of numerous footage, the amount of work required to answer the questions is excessive and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of " brand confusion"*

20) Copies of all program books for each of Applicant's MISS MULTIVERSE pageants.

*Answer to request No. 6: Defendant objects on the basis that the information requested is voluminous and to the extend that defendant would have to produce the profile of each participant over the years. The amount of work required to answer the questions is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of " brand confusion".*

21) All Documents and things regarding any sponsors or potential sponsors of pageants or television shows.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of " brand confusion"*

22) All Documents and things regarding all venues or potential venues for Applicant's MISS MULTIVERSE pageants.

*Answer to request No. 6: Plaintiff objects to this request to the extend that it goes beyond the subject matter, Miss Multiverse is not in the business of owning, selling or renting venues or locations; therefore, the present request does not raise reasonable expectations of obtaining information that will aid solution of the dispute or discovery of admissible evidence of the Opposer's claims of " brand confusion". Subject to and without waiving the foregoing objections, Plaintiff response that information may be easily available within our website, world wide web or readily available within the attached exhibits that are responsive to this request.*

23) All Documents and things regarding any broadcast, including but not limited to any television broadcast or web cast, of any of Applicant's MISS MULTIVERSE Services.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

24) Copies of any documents regarding media coverage of Applicant's MISS MULTIVERSE Services.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

25) Samples of each and every use made by Applicant of the mark MISS MULTIVERSE Mark in connection with the MISS MULTIVERSE Services, including all advertising, promotional materials, solicitations and the like.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

26) All Documents and things that refer or relate to Applicant's marketing of and future marketing plans for the MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

27) All Documents and things that refer or relate to Applicant's use, promotion and/or future marketing plans for MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

*Answer to request No. 3: Plaintiffs object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: The TV program "I am Multiverse" is not part of current proceedings.*

28) All Documents and things concerning Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

29) All Documents and things showing sales or licenses of MISS MULTIVERSE Services, including, but not limited to contracts, invoices, purchase orders, price lists, bills of sale, receipts, and other agreements.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

30) All Documents and things which relate to or reveal the individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services, including, but not limited to documents identifying the names and addresses of such individuals, firms, and/or entities.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

31) All Documents and things showing the gross revenue generated from the sale of MISS MULTIVERSE Services, including, but not limited to invoices, receipts, purchase orders, tax returns, general ledgers, bank statements, contracts, agreements and financial statements.

*Answer to request No. 3: Defendant object to this Request on the grounds that it seeks disclosure of confidential financial and third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

32) All Documents and things showing the projected gross revenue to be generated from MISS MULTIVERSE Services.

*Answer to request No. 3: Defendant object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by the work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

33) All Documents and things which constitute or relate or refer to any assignment, license, or other transfer of any rights to or from Applicant in connection with the MISS MULTIVERSE Mark.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

34) All Documents and things, which relate or refer to any use by any third party of the MISS MULTIVERSE Mark.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "brand confusion".*

35) All Documents and things evidencing, referring or relating to instances of Applicant's knowledge of Opposer's MISS UNIVERSE Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Mark.

*Answer to request No. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, ambiguous, and not reasonably specific. Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

36) All Documents and things which relate or refer to any instances in which a person or business entity has inquired about, commented upon or referred to any relationship between Applicant's MISS MULTIVERSE Services, and Opposer's Miss Universe pageants.

*Answer to request No. 3: Plaintiff objects on the basis and to the extent that the information as requested by opposer improperly implies that a supposed business or person may have contacted applicant with an alleged instance of a relation among both marks. Subject to such objection and without waiving same, plaintiff responds as follows: Plaintiff hereby states that no such inquiries or instances have ever been received by the plaintiff or addressed to the plaintiff.*

37) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

*Answer to request No. 1: Plaintiffs object to this Request as being equally available. The information sought is publically available to both parties in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties." Subject to and without waiving the foregoing objections, Plaintiff response that information may be readily available within the attached exhibits that are responsive to this request.*

38) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe pageant.

*Answer to request No. 3 Plaintiffs objects on the basis and to the extend that the information requested improperly requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, plaintiff responds as follows: Information may be readily available within the attached exhibits that are responsive to this request. Further information is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links.*

1) Copies of any insurance policies pursuant to which an insurance company may be liable to cover Applicant's defense in the Opposition proceeding.

*Answer to request No. 3: Defendants object to this Request on the grounds that it seeks disclosure of confidential business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

2) All documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Requests for Production of Documents.

*Answer to request No. 3: Plaintiffs objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, plaintiff responds as follows: Information may be readily available within the attached exhibits that are responsive to this request. Further information is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links.*

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Waren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com) ) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*



Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
**Linda Grandia Applicant**

Respectfully submitted,  
/Linda Grandia/  
Kepplerstreet 13, 3817TA, Amersfoort,  
The Netherlands,  
Phone: 011 31 6 380 56 135 Email:  
[info@missmultiverse.com](mailto:info@missmultiverse.com)

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

**In re: Application Serial No. 86/235,052  
Mark: MISS MULTIVERSE**

<b>MISS UNIVERSE L.P., LLLP,</b>	)	<b>Opposition No. 91220573</b>
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LINDA GRANDIA,</b>	)	
	)	
<b>Applicant.</b>	)	
_____	)	

**PLAINTIFFS RESPONSES TO DEFENDANT'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**MISS MULTIVERSE TRADEMARK**

Amersfoort, The Netherlands, December 20, 2015

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

**Plaintiff objects to opposer discovery request to the extend that the sum of discovery questions within all three provided documents exceeds the number of questions allowed by the federal rules and regulation. Subject to and without waiving the foregoing objections, in good faith and in order to not frustrate the ongoing proceedings, plaintiff will not file a motion and make a reasonable and good faith effort to provide information in a timely matter.**

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such

Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

#### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## INTERROGATORIES

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Complaint Counsel's Request for Interrogatories ("Interrogatories") as set forth below.

- 1) Identify all persons with knowledge of Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 1:** *Mrs. Linda Grandia, created, designed, developed prepared and analyzed The Miss Multiverse Marks for the period January, 2011 through the present.*

- 2) Describe fully the facts and circumstances surrounding the creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 2:** *Mrs. Linda Grandia in the search for a brand name for her contest came across a documentary about a new theory called the Multiverse, meaning multiple dimensions. Mrs. Grandia associated the modern theory of The Multiverse with the multi-talents and the multi-capabilities that make modern women of today multifaceted to describe the women participating in her contest.*

- 3) Explain the relationship between Applicant and G & G Exchange.

**Answer to interrogatory No. 3:** *The trademark Miss Multiverse is owned by Linda Grandia, Mrs. Linda Grandia is also the CEO of G&G Exchange*

- 4) Identify all officers, board members, investors, and donors of G & G Exchange.

**Answer to interrogatory No. 4:** *Plaintiffs object to this Interrogatory as being irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence related to the Opposer's claims of "mark confusion". Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Mrs. Linda Grandia is the CEO of G&G Exchange and the relevant contact person related to the present proceedings.*

- 5) Identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

**Answer to interrogatory No. 5:** *Plaintiffs object to this Interrogatory as being irrelevant to the subject matter and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 6) State with particularity the expenses and revenues associated with the MISS MULTIVERSE television show.

*Answer to interrogatory No. 6: Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the information sought is not reasonably calculated to lead to the discovery of admissible evidence of the Opposer's claims of "name brand confusion". Subject to and without waiving their objections Plaintiff respond to this Interrogatory as follows: The Mark of the TV program "I am Mutiverse Tv reality program" is not in opposition proceedings.*

- 7) State with particularity the expenses and revenues associated with each of the MISS MULTIVERSE pageants, segregated by year and pageant name.

*Answer to interrogatory No. 7: Plaintiff object to this Interrogatory to the extent that it seeks protected and privileged financial information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 8) Describe fully the facts and circumstances surrounding Applicant's filing an application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

*Answer to interrogatory No. 8: Plaintiffs object to this Interrogatory as being equally available. The information sought is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both party."*

- 9) Describe in detail the manner in which you use, have used, and/or plan to use the domain name [missmultiverse.com](http://missmultiverse.com)

*Answer to interrogatory No. 9: The domain [www.MissMultiverse.com](http://www.MissMultiverse.com) has ben used and will continue to be used to identify the IP address hosting The Miss Multiverse Website and to receive the redirection of other web addresses owned by Miss Multiverse in the USA such as [www.MissMultiverse.US](http://www.MissMultiverse.US) targeting millions of consumers in the USA.*

10) State whether you have transferred or sold the domain name missmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

*Answer to interrogatory No. 10: Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the transfer or sales of a domain is irrelevant to Opposer's claims of "name brand confusion" and therefore not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

11) Describe in detail the manner in which you use, have used, and/or plan to use the domain name msmultiverse.com

*Answer to interrogatory No. 11: The domain [www.MsMultiverse.com](http://www.MsMultiverse.com) (Ms) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have interest in contests for women that are "completely different" to other contest. These particular consumers are specifically seeking for contest that accept women ages above other competitions and accept women that have been previously married or with children. These Consumers land at the domain [www.MsMultiverse.com](http://www.MsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

12) State whether you have transferred or sold the domain name msmultiverse.com , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

*Answer to interrogatory No. 12: Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the transfer or sales of a domain is irrelevant to Opposer's claims of "name brand confusion" and therefore not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

13) Describe in detail the manner in which you use, have used, and/or plan to use the domain name [mrsmultiverse.com](http://mrsmultiverse.com) .

*The domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) (Mrs) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have particular interest in contests for women that are "different" to other contest. These consumers are specifically seeking for contest that accept women that married, with ages above other competitions and accept women with children. These Consumers land at the domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

14) State whether you have transferred or sold the domain name [mrsmultiverse.com](http://mrsmultiverse.com) , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 14:** Plaintiffs object to this Interrogatory as being irrelevant to the subject matter, the transfer or sales of a domain is irrelevant to Opposer's claims of "name brand confusion" and therefore not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

15) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

***Answer to interrogatory No. 15:***

*MARK - Name of the Miss Multiverse competition*

*TITLE – Awarded to the 10 winners of the Miss Multiverse competition.*

16) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE USA.

***Answer to interrogatory No. 16:** TITLE awarded to the contestant representing the USA. Similar to how all international pageant contestants represent their title in their country, regardless of where the international pageant takes place.*

17) Identify the person with most knowledge regarding Applicant's use or planned use of the MISS MULTIVERSE Mark, including anticipated date of Applicant's first use.

***Answer to interrogatory No. 17:** Mrs. Linda Grandia is the person with most knowledge regarding planned use of the Miss Multiverse mark including the anticipated date of first use.*

18) Identify the person with the most knowledge regarding the format of Applicant's MISS MULTIVERSE pageants, including any preliminary contests, if any.

**Answer to interrogatory No. 18:**

*(a) Mrs. Linda Grandia is the person with most knowledge regarding the format of Miss Multiverse. (b) Miss Multiverse process is different than other competitions and does not hold preliminary contest.*

19) State whether Applicant's MISS MULTIVERSE pageants have been broadcast via television, internet or any other means, including: (a) title of the pageant; (b) the date of each broadcast; (c) manner of broadcast; (d) vehicle of broadcast; and (e) all media where each pageant was broadcast.

**Answer to interrogatory No. 19:** *Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the plaintiff. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; Miss Multiverse Mark was broadcasted in the USA nationwide in 2012 and 2013 via TV cable partners of Super Canal. Miss Multiverse has a US domain targeting exclusively the USA [www.missmultiverse.us](http://www.missmultiverse.us); furthermore, Miss Multiverse reaches the USA via online video streaming with <http://missmultiverse.vhx.tv> Miss Multiverse is also distributed online via multiple platforms in the worldwide open public media space and second screen online channels; such as, YouTube, Daily-Motion and has an exclusive Yuuzoo network targeting the the USA, furthermore numerous social media platforms including Facebook, Google+ Twitter reaching consumers in the USA and worldwide.*

20) List all sponsors or parties solicited to be sponsors of Applicant's MISS MULTIVERSE pageants.

**Answer to interrogatory No. 20:** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of " brand confusion. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Plaintiff has particular strategy to finance their competition and rarely uses sponsors.*

21) List all venues or potential venues for Applicant's MISS MULTIVERSE pageants, by year and pageant name.

*Answer to interrogatory No. 21: Plaintiff object to this Interrogatory as being irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion. Subject to and without waiving their objections, Plaintiff respond to this Interrogatory as follows: Applicant does not have an exclusive location where they hold their events in such way that can possibly lead to brand confusion.*

22) Describe in detail each and every use made by Applicant of the MISS MULTIVERSE Mark in connection with television shows.

*Answer to interrogatory No. 22: Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the plaintiff. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, Miss Multiverse activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; as well as, distributed online via multiple platforms in the worldwide open public media space.*

23) Identify the individuals with most knowledge regarding Applicant's promotion and future marketing plans for the MISS MULTIVERSE Mark.

*Answer to interrogatory No. 23: Mrs. Linda Grandia is the person with most knowledge regarding future marketing plans for the Miss Multiverse Mark.*

24) Identify the person with most knowledge regarding Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

*Answer to interrogatory No. 24: Mrs. Linda Grandia is the person with most knowledge regarding advertising and promotional expenditures relating to Miss Multiverse Services.*

25) Identify all venues where Applicant's MISS MULTIVERSE pageants have been held.

*Answer to interrogatory No. 25: Please find answer in Interrogatory question No21*

26) Identify the person with most knowledge regarding sales or licenses of the MISS MULTIVERSE Services, gross revenue generated in connection with the MISS MULTIVERSE Services, and other financial information regarding G & G Exchange and Applicant's production and promotion of pageants.

***Answer to interrogatory No. 26:*** Mrs. Linda Grandia is the person with most knowledge regarding financial information of the MISS MULTIVERSE Services, gross revenue generated in connection with the G & G Exchange.

27) Identify all individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services.

***Answer to interrogatory No. 27:*** G&G Exchange manages all direct sales and business related with the Miss Multiverse Mark.

28) Identify the newspapers, magazines, publications, websites, television and radio stations and/or shows where Applicant markets, advertises and promotes its goods and services in connection with the MISS MULTIVERSE Mark.

***Answer to interrogatory No. 28:*** Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. The information sought is available to the opposing part as it is found publically in the world wide web. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters. The Information is public, extensive and difficult to track all of them, therefore to comply with the request would be an undue burden and expense on the plaintiff. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."

29) Identify each use by any third party of the mark MISS MULTIVERSE, and the persons knowledgeable of such use.

***Answer to interrogatory No. 29:*** Plaintiffs object to this Interrogatory as being overly broad or unduly burdensome and lacks a reasonable time frame. Subject to and without waiving their objections, Plaintiff respond to this Interrogatory as follows: G&G Exchange operates the mark therefore no third parties use the mark Miss Multiverse.

30) Identify any and all trademarks owned by Applicant.

***Answer to interrogatory No. 30:*** Plaintiffs object to this Interrogatory as being irrelevant and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: No other pageant brands owned by Applicant are connected with the current proceedings.

31) Identify any and all beauty pageants and contests operated and/or sponsored by Applicant.

*Answer to interrogatory No. 31: Plaintiffs object to this Interrogatory as being irrelevant to the subject matter. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: No other pageant brands, activities or events owned by plaintiffs and that are not titled Miss Multiverse become part of this proceedings or connected to the Mark Miss Multiverse therefore irrelevant to the subject matter.*

32) Identify any and all television programs operated, promoted or sponsored by Applicant.

*Answer to interrogatory No. 32: I am Multiverse TV reality program.*

33) Describe the rules by which contestants must abide as participants in any and all of the beauty pageants operated and/or sponsored by Applicant, identified by pageant.

*Answer to interrogatory No. 33: Plaintiffs object to this Interrogatory as being partially irrelevant to the subject matter. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: No other pageant brands, activities or events owned by plaintiffs that are not titled Miss Multiverse become part of this proceedings or connected to the Mark Miss Multiverse therefore irrelevant to the subject matter. Please find bellow information that is readily public and therefore made available:*

***Selection:** Contestants are handpicked directly by the organization unlike other pageant where its done by country directors. Unlike other pageants where interviews take place with preliminaries, Miss Multiverse Interviews are conducted as TV audition style, related to TV program castings. Outer beauty is irrelevant, the organization seeks primarily multi-facet qualities and TV likeness such as outrageous and interesting personalities that are able to engage TV viewers.*

***Requirements:** Ages: 18 to 35, unlike other pageants where age limit is 26 (b) Relationship status: Can be single, married, divorced, widowed, allowed to have children unlike other pageant where women are limited to be single and cannot have children in order to participate. (c) Minimum height: 1.70m unlike other pageants were minimum height is 1.65m (d) Education: Mandatory University level education, unlike other pageants where high school level as minimum is required. (e) Language: Fully understand and speaking English. Unlike other pageants where language is not relevant since they provide a translator.*

***Rules:** Be your self, follow the planed schedule and TV script.*

34) Describe in detail the format of Applicant's MISS MULTIVERSE pageants, including preliminary pageants if any.

*Answer to interrogatory No. 34: Plaintiffs object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgence of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Miss Multiverse does not have the same format each year, our concept continues to evolve regularly and has transformed in to a TV program that follows a personality contest. Traditional pageants are held on stage showcasing women on bikini and evening gowns, within a live show that culminates with one winner. Miss Multiverse takes place outdoors and does not culminate or expires, it begins with 10 winners that receive the Miss Multiverse Title and this is only the beginning of the story. Further information is classified and protected under the WGA writer's guild of America.*

35) Describe fully Applicant's knowledge of Opposer's Miss Universe Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Marks.

*Answer to interrogatory No. 35: Plaintiff objects to this discovery request as phrased is argumentative. It requires the adoption of an assumption, which is improper as to the extent that it assumes that applicant is an aficionado, connoisseur or collector of documents and things of opposers mark.*

36) State whether Applicant has received any communication from any third party of any nature whatsoever which mentions or otherwise concerns Opposer or Opposer's Miss Universe Marks and, if so, describe fully those instances including name of individual, the person receiving the communication, date of communication, and nature of communication, including any alleged instances of actual confusion.

*Answer to interrogatory No. 36: Plaintiff objects to this discovery request as argumentative as it requires the adoption of an assumption, which is improper as to the extent that it falsely and misleadingly assumes that applicant has received or witnessed an alleged instance of mark confusion. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: Applicant has never received or witnessed in any way, shape or form any written communication or verbal information with any instances or traces mentioning opposers mark or mentioning any remote possibility of resemblance or likelihood of confusion.*

37) Identify any rights in the MISS MULTIVERSE Mark which Applicant has granted to any third party or acquired from any third party, including, but not limited to licenses, assignments, and security interests, and the persons knowledgeable concerning each grant or acquisition.

*Answer to interrogatory No. 37: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

38) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

*Answer to interrogatory No. 38: Plaintiffs object to this Interrogatory as being equally available. The information sought is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links. A party has an obligation to make a reasonable and good faith effort to obtain requested information, "except where the information is not equally available to both parties."*

39) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe Pageant, Miss Usa Pageant or Miss Teen Usa Pageant.

*Answer to interrogatory No. 39: G&G Exchange is not in possession of documents or things regarding Opposer other than those listed on the trademark office website.*

40) Identify any insurance policies pursuant to which an insurance company may be liable to cover Applicant's legal fees in connection with this Opposition proceeding.

*Answer to interrogatory No. 40: Defendants object to this Request on the grounds that it seeks disclosure of confidential business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

41) Identify each legal proceeding to which Applicant has been a party.

*Answer to interrogatory No. 41: Defendants object to this Request on the grounds that it seeks disclosure of confidential business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements and is overbroad, unduly burdensome, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

42) Identify any and all persons with knowledge concerning the facts which support Applicant's denial of any allegation in the Notices of Opposition and the facts as to which each has knowledge.

*Answer to interrogatory No. 42: Mrs. Linda Grandia is the relevant contact person with knowledge related to the present proceedings.*

43) Explain in detail all plans Applicant has to expand the nature of its pageant services or television shows and/or the channels of trade and media where its services are promoted or offered for sale, broadcast, or advertised.

*Answer to interrogatory No. 43: Plaintiffs object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Plaintiffs respond to this Interrogatory as follows: The TV program "I am Multiverse" is not part of current proceedings.*

44) Identify all persons who assisted in preparing Applicant's responses to Opposer's First Set of Interrogatories, and produce all documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Interrogatory

*Answer to interrogatory No. 44: Mrs. Linda Grandia is the person producing documents and preparing responses to Opposer's First Set of Interrogations.*

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com)) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*



MISS & MRS  
AGAVE  
GG EXCHANGE

Dated: \_\_\_\_\_ December 20, 2015

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

Linda Grandia  
**Applicant**

Respectfully submitted,  
/Linda Grandia/  
Keplerstreet 13, 3817TA,  
Amersfoort, The Netherlands,  
Phone: 011 31 6 380 56 135  
Email: [info@missmultiverse.com](mailto:info@missmultiverse.com)

## **EXHIBIT C**



of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

#### GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR REVISION OF ANSWERS STATEMENT

The answers herein have been Revised and resend to opposer on: January 19, 2016

Defendant has reviewed opposers letter send on January 12, 2016 reacting to the Defendant's interrogatories answers, whereas such interrogatory answers are formulated by the Defendant in good faith and to the best of Defendant's abilities considering that it takes more research time for the Defendant since they are representing them selves as means of necessary precautions to not be lead towards unnecessary legal expenditures; therefore any small delays or legal wording shall not be deemed as intentional or used as justification to misrepresent the overall meaning of defendants answers within the subject matter. For example; when opposer does not disclose information it is because such information is private, can be replicated by third parties or vulnerable to divulgation and therefore "In plain English" we do not entrust third parties with our private information such as opposers employees or legal team, we can however gladly make information that is absolutely mandatory and required by law available to a designated impartial expert of the court"

In addition, opposers letter demands a short deadline to revise more than 70 legal questions within 4 working days. Defendant makes the observation, that Opposer has not yet provided answers to the Defendants discovery questions, and thus placing the Defendant within the disadvantage point of providing answers in advance. Defendant also brings forth that Defendants interrogatory questions send to the opposing party have been to the point, reasonable and not excessive in order to avoid unnecessary expenditure of time, money and legal fees for the opposing party and to not frustrate the foregoing proceedings; in the other hand, opposer is requesting unnecessary abundant information; such as, all of defendant, financials, emails and letters since the beginning of time and so on; to the extend, as if defendant has to provide boxes of documents to the federal tax office for a tax evasion case, as if this is all required to evaluate the pronunciation or words, meanings of words, public survey or draw the attention away from the fact that there are so many pageants registered with the word (**Miss - Verse and even Universe**); all of this is regarded as a fishing expedition or leading defendant towards unnecessary expenditure of time, finances and human resources.

Opposers letter impolitely **accuse Defendant** "in writing" as registering in bad faith as if Opposer has any evidence to sustain such false and defamatory claims. Defendant resent such accusations which is improper as to the extent that it falsely and misleadingly frames defendant's character intent and good ethical business practices; therefore, defendant makes the observation that such harsh accusations accompanied by threats of litigation, unfounded accusations and legal tactics are regarded as bad faith bully business practice.

## REQUESTS FOR PRODUCTION

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Defendant") respond and object to Opposing Counsel's Request for Document Production ("Production") as set forth below.

- 1) All Documents and things which relate or refer to Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark, including but not limited to any investigations or searches, and all documents which indicate the first date of adoption and use of the MISS MULTIVERSE Mark by Applicant in the United States.

*Answer to request No. 1: The information sought is publically available to the opposing party in the USPTO website and easily accessible via the trademark tools and links. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (i) “the discovery sought can be obtained from some other source that is more convenient, less burdensome, or less expensive;” Defendant responds that [i] information is found in our website accessible to opposer and the public, [ii] further information may be readily available within the attached exhibits that are responsive to this request for example images and dates of the contestant’s participation. [IV] question regarding creation, design, development, selection and adoption of MISS MULTIVERSE is duplicate as this question is already answered in the Interrogatory Question No 1 of the other defendant's first set of interrogatories.*

- 2) All Documents and things which relate to any trademark searches performed by Applicant or on its behalf regarding the adoption of the MISS MULTIVERSE Mark, including any opinion letters, if any.

*Answer to request No. 2: Defendant response that no opinion letters exists and no extraordinary eventualities out of the normal registration proceedings exists, in all cases the USPTO found no grounds of conflicts with other brands and accepted our application. The trademark was already registered in Benelux, with no opposition and several years of use of the brand international and in the USA did not cause opposition either. All research towards the initial Benelux and USA trademark have been extensively researched and no grounds to doubt the originality of the trademark have been found. The use of the word Multiverse and its theory, meaning and pronunciation were as good as new.*

- 3) All Documents and things regarding the formation of G & G Exchange.

*Answer to request No. 3: Defendant response that [ii] Registration information of G&G Exchange is available within the attached exhibits that are responsive to this request. [iii] If opposer finds that full and extended version of G&G Company registration information to be of the essence and*

*vital to substantiate how the word MULTIVERSE supposedly has the same meaning as opposers mark, then such information requires Notarized translation from Dutch to English therefore can be provided at the expense of the requesting party. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “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.”*

- 4) Documents sufficient to identify the officers, board, investors, and donors of the G&G Exchange.

**Answer to request No. 4:** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements, [i] information of third parties not involved in the subject matter unless previously specified to the third party that they bare such responsibility [ii] and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of “brand confusion”. see Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Subject to and without waiving the foregoing objections, Defendant response that [i] Mrs. Linda Grandia is the CEO of G&G Exchange and the one and only person in full capacity to answer any and all aspects of G&G Exchange relevant to MISS MULTIVERSE. [ii] If the court finds that the full and extended version of G&G Company registration information is of the essence and vital to substantiate or demonstrate how the word MULTIVERSE has the same meaning as opposers mark, then such information requires Notarized translation from Dutch to English therefore can be provided at the expense of the requesting party. [iii] Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “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.”*

- 5) Documents sufficient to identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

**Answer to request No. 5:** *Defendant objects to this Request on the ground that it seeks disclosure of confidential third party employee, contractors and business information protected by the attorney-client and/or work product privileges and/or confidentiality agreements. [i] an employer of The Netherlands is not allowed to disclose information subject to non-disclosure employee or contractor's information of third parties not involved in the subject matter unless previously specified to the third party that they bare such responsibility. [ii] Mrs. Linda Grandia is the person responsible in all matters related to the MISS MULTIVERSE mark.*

- 6) Financial Documents sufficient to demonstrate in detail the expenses and revenues associated with each of the MISS MULTIVERSE Services.

**Answer to request No. 6:** *Defendants object to this Interrogatory on the grounds that it is unreasonably cumulative or duplicative, already asked and answered in questions 29, 31, 32 below.*

- 7) All Documents and things which relate or refer to Applicant's application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

*Answer to request No. 7: information available within the attached exhibits that are responsive to this request for example screenshots of the Benelux registration.*

- 8) All Documents and things relating to Applicant's registration and use of the domain name missmultiverse.com including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 8: The information sought is publically and easily obtainable from the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold.*

- 9) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

*Answer to request No. 9: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. It is not reasonable to make screenshots of pages, this is an activity that opposer can perfectly do on their own time and expenses if found relevant for them to demonstrate that the word MULTIVERSE has the same meaning as opposers mark.*

- 10) All Documents relating to Applicant's registration and use of the domain name. msmultiverse.com, including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 10: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold. [V] use of the domain name is duplicate as this question is already answered in the Interrogatory Question No 11 of the other defendant's first set of interrogatories.*

- 11) Screen shots of all pages from the website to which Applicant's domain name msmultiverse.com resolves or resolved.

*Answer to request No. 11: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. It is not reasonable to make screenshots of pages; this is an activity that opposer can do on their own time if found relevant for them to demonstrate that the words MULTIVERSE has the same meaning as opposers mark.*

12) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 12: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold. [V]*

13) All Documents relating to Applicant's registration and use of the domain name mrsmultiverse.com , including but not limited to any transfer, renewal or sale of the domain name.

*Answer to request No. 13: The information sought is publically and easily obtainable from some other source that is more convenient, less burdensome, or less expensive, via the the widely available who is domain search engines. [i] further information may be readily available within the attached exhibits that are responsive to this request for example screenshots of the who is domain screenshots. [ii] Registering a domain does not require complex documentations or procedures [iii] Renewal is on a yearly basis [IV] Domains have not been sold. [V] use of the domain name is duplicate as this question is already answered in the Interrogatory Question No 13 of the other defendant's first set of interrogatories.*

14) All Documents and things relating to Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

*Answer to request No. 14: Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Information may be subject to company espionage and therefore Highly Confidential -Material to be shielded by the Board from public access under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

15) All Documents and things which relate or refer to Applicant's use of the MISS MULTIVERSE Mark, including but not limited to all internal correspondence, business plans, proposals and drafts thereof.

*Answer to request No. 15: Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving the foregoing objections,*

*defendant responds that. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 16) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with beauty pageants.

***Answer to request No. 16:** Defendant response that question is not specific and therefore reasonable information to determine first use may be readily available within the attached exhibits that are responsive to this request and/or publicly available via the Miss Multiverse website.*

- 17) All Documents and things which demonstrate Applicant's first use of the MISS MULTIVERSE Mark in connection with reality television programs.

***Answer to request No. 17:** Defendant response that information may be readily available within the attached exhibits that are responsive to this request.*

- 18) All Documents and things which describe the format of Applicant's MISS MULTIVERSE pageant, including any preliminary contests, if any.

***Answer to request No. 18:** Defendants object to this Request on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant’s concepts by third parties. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties. Subject to and without waiving the foregoing objections, Defendant response that [1] information may be partially already answered in the Interrogatory Question No 33 and 34 of the other defendant's first set of interrogatories.*

- 19) Copies of any video or other recordings of each of Applicant's MISS MULTIVERSE Services

***Answer to request No. 19:** Defendant objects on the basis that the expense of proposed discovery greatly out weights the benefit, taking in to account the needs of the case. Defendant would have to hire media specialist, to review, transcode and convert video format of numerous HD footage (gigabytes of data), to a smaller format in order to provide the information via hard drive or*

online. The amount of work required to deliver is excessive; transcoding all of our videos will not reasonably substantiate Opposer's claims of "brand confusion" [ii] If opposer finds that the formatted videos are of the essence and vital to the subject matter, then such information can be provided at the expense of the requesting party or to be reviewed at the place of production pursuant to 37 CFR § 2.120(d)(2). [Note 1.] A party is only obliged to make documents and materials available for inspection and copying, where the documents are stored, and as they are kept in the ordinary course of business Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) "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."

20) Copies of all program books for each of Applicant's MISS MULTIVERSE pageants.

*Answer to request No. 20:* With the modern social media landscape and online technologies widely available providing a much wider reac. Applicant prefer to stay environmentally green by not producing program books.

21) All Documents and things regarding any sponsors or potential sponsors of pageants or television shows.

*Answer to request No. 21:* Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Subject to and without waiving the foregoing objections, defendant responds that Opposer is the party who has to demonstrate that sponsors have been approached by MISS MULTIVERSE to pay or support MISS MULTIVERSE and that such sponsors claimed to be confused thinking they were sponsoring Opposers mark instead of MISS MULTIVERSE. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

22) All Documents and things regarding all venues or potential venues for Applicant's MISS MULTIVERSE.

*Answer to request No. 22:* Defendant objects to this request to the extend that it goes beyond the subject matter, Miss Multiverse is not in the business of owning, selling or renting venues or locations; therefore, the present request does not raise reasonable expectations of obtaining information that will aid solution of the dispute or discovery of admissible evidence. Subject to and without waiving the foregoing objections, Defendant response that all companies organize fashion shows, competitions, parties, events, concerts, TV programs produced worldwide take

*place in venues, clubs, restaurants, indoors or outdoors and so on. We therefore reason that the association of venues and brand names are not reasonable evidence of brand confusion. In addition, many other USA pageants registered brands use venues further signifying that venues are not relevant to confusion analysis.*

23) All Documents and things regarding any broadcast, including but not limited to any television broadcast or web cast, of any of Applicant's MISS MULTIVERSE Services.

*Answer to request No. 23: Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements. Subject to and without waiving the foregoing objections, defendant responds [ii] Basic screen shot of the broadcasting contract in the USA is available within the attached exhibits that are responsive to this request. [iii] If opposer finds that full and extended version of this contract is of the essence and vital to demonstrate that MULTIVERSE supposedly has the same meaning as opposers mark, then such information requires Notarized translation from Spanish to English therefore can be provided at the expense of the requesting party. Information may be available for review by outside counsel for the parties If compelled by the court. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “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. Subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

24) Copies of any documents regarding media coverage of Applicant's MISS MULTIVERSE Services.

*Answer to request No. 24: Defendants object to this Interrogatory on the grounds that it is overly repeated, already asked and answered in questions 26, 27 and 28 bellow.*

25) Samples of each and every use made by Applicant of the mark MISS MULTIVERSE Mark in connection with the MISS MULTIVERSE Services, including all advertising, promotional materials, solicitations and the like.

*Answer to request No. 25: Defendants object to this Interrogatory on the grounds that it is overly repeated, already asked and answered in questions 26, 27 and 28 bellow.*

26) All Documents and things that refer or relate to Applicant's marketing of and future marketing plans for the MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

*Answer to request No. 26: Defendants object to this Interrogatory on the grounds that it seeks the disclosure of information that is confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to such objection and without waiving same, Defendant responds to the remaining part of the request as follows: Opposer is the party*

*who has to demonstrate that a news letter, pamphlets, brochures, packaging, promotional materials, advertisements and/or circulars have been brought to their attention and raised their motivation to lawfully file claims of brand confusion. In the mean time the foregoing case does not provide to the opposer rights to freely perform "private information fishing" in to our email accounts or private information. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 27) All Documents and things that refer or relate to Applicant's use, promotion and/or future marketing plans for MISS MULTIVERSE Services, including, but not limited to newsletters, pamphlets, brochures, Internet websites, packaging, marketing research, surveys, promotional materials, advertisements and circulars.

***Answer to request No. 27:** Defendants object to this Interrogatory on the grounds that it seeks the disclosure of information that are confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to such objection and without waiving same, Defendant responds to the remaining part of the request as follows: [ii] Opposer is the party who has to demonstrate that a news letter, pamphlets, brochures, packaging, promotional materials, advertisements and/or circulars have been brought to their attention and raised their motivation to lawfully file claims of brand confusion. In the mean time the foregoing case is not a case that would allow to the opposer rights to freely perform "private information fishing" in to our email accounts or private information. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 28) All Documents and things concerning Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

***Answer to request No. 28:** Defendant object to this Request on the grounds that it seeks disclosure of confidential business information protected by the work product privileges and/or confidentiality agreements with third parties. Subject to such objection and without waiving same,*

*Defendant responds as follows. Further information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 29) All Documents and things showing sales or licenses of MISS MULTIVERSE Services, including, but not limited to contracts, invoices, purchase orders, price lists, bills of sale, receipts, and other agreements.

***Answer to request No. 29:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer’s claims of “brand confusion” All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 30) All Documents and things which relate to or reveal the individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services, including, but not limited to documents identifying the names and addresses of such individuals, firms, and/or entities.

***Answer to request No. 30:** Defendant object to this Request on the grounds that it seeks disclosure of confidential business information protected by the work product privileges and/or confidentiality agreements with third parties. Subject to such objection and without waiving same, Defendant responds as follows: [i] further information may be readily available within the attached exhibits that are responsive to this request for example links and screen shot of the contract. [ii] further information may be already answered in the Interrogatory Question of the other defendant's first set of interrogatories. Further information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter*

400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 31) All Documents and things showing the gross revenue generated from the sale of MISS MULTIVERSE Services, including, but not limited to invoices, receipts, purchase orders, tax returns, general ledgers, bank statements, contracts, agreements and financial statements.

**Answer to request No. 31:** Defendant object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by the work product privileges and/or confidentiality agreements. Subject to such objection and without waiving same, Defendant responds as follows: [i]The foregoing case is an unfounded opposition claiming that MULTIVERSE has the same meaning as opposers mark, [ii] therefore this is not a tax evasion case where all financial information has to be disclosed and scrutinized. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 32) All Documents and things showing the projected gross revenue to be generated from MISS MULTIVERSE Services.

**Answer to request No. 32:** Defendant object to this Request on the grounds that it seeks disclosure of confidential financial business information protected by the work product privileges and/or confidentiality agreements, Subject to such objection and without waiving same, Defendant responds as follows. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 33) All Documents and things which constitute or relate or refer to any assignment, license, or other transfer of any rights to or from Applicant in connection with the MISS MULTIVERSE Mark.

**Answer to request No. 33:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 34) All Documents and things, which relate or refer to any use by any third party of the MISS MULTIVERSE Mark.

**Answer to request No. 34:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.

- 35) All Documents and things evidencing, referring or relating to instances of Applicant's knowledge of Opposer's Miss Universe Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Mark.

**Answer to request No. 35:** Defendants objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, Defendant responds as follows: Defendant does not have any documents referring to opposers mark and pageants, other than opposers opposition documents found on the USPTO website.

36) All Documents and things which relate or refer to any instances in which a person or business entity has inquired about, commented upon or referred to any relationship between Applicant's MISS MULTIVERSE Services, and Opposer's Miss Universe pageants.

*Answer to request No. 36:* Defendants objects on the basis and to the extent that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Defendant objects on the basis and to the extent that the information as requested by opposer improperly implies that a supposed business or person may have contacted applicant with an alleged instance of a relation among both marks. Subject to such objection and without waiving same, Defendant responds as follows: Defendant hereby states that no such inquiries or instances have ever been received by the Defendant or addressed to the Defendant.

37) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

*Answer to request No. 37:* The information sought is publically available to both parties in the USPTO website and easily accessible via the trademark tools and links. Subject to and without waiving the foregoing objections, Defendant response that Information that Defendant is able to provide excluding evidence that Defendant reserves with intends to offer at trial may be readily available within the attached exhibits that are responsive to this request.

38) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe pageant.

*Answer to request No. 38:* Defendants objects on the basis and to the extent that the information requested improperly requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, Defendant responds as follows: Information that Defendant is able to provide excluding evidence that Defendant reserves with intends to offer at trial may be readily available within the attached exhibits that are responsive to this request.

39) Copies of any insurance policies pursuant to which an insurance company may be liable to cover Applicant's defense in the Opposition proceeding.

*Answer to request No. 39:* Defendants object to this Request on the grounds that it seeks disclosure of confidential business information, and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"

40) All documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Requests for Production of Documents.

*Answer to request No. 40: Defendants objects on the basis and to the extend that the information requested requires Applicant to marshal all of her evidence which is not a permissible enquiry in an interrogatory. Interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial. Subject to such objection and without waiving same, Defendant responds as follows: Information that Defendant is able to provide excluding evidence that Defendant reserves with intends to offer at trial may be readily available within the attached exhibits that are responsive to this request.*

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Waren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com) ) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*

Revised and resend to opposer on: January 18, 2016



MISS & MRS  
EXCHANGE

Dated: December 20, 2015

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

Linda Grandia **Applicant**

Respectfully submitted,  
/Linda Grandia/  
Kepplerstreet 13, 3817TA, Amersfoort,  
The Netherlands,  
Phone: 011 31 6 380 56 135 Email:  
[info@missmultiverse.com](mailto:info@missmultiverse.com)

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

**In re: Application Serial No. 86/235,052  
Mark: MISS MULTIVERSE**

<b>MISS UNIVERSE L.P., LLLP,</b>	)	<b>Opposition No. 91220573</b>
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>LINDA GRANDIA,</b>	)	
	)	
<b>Applicant.</b>	)	
_____	)	

**DEFENDANTS RESPONSES TO DEFENDANT'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
MISS MULTIVERSE TRADEMARK**

Amersfoort, The Netherlands, December 20, 2015

Revised and resend to opposer on: January 18, 2016

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

The following responses are made solely for the purposes of this action. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

No incidental or implied admissions are intended by these responses. The fact that Respondents have objected or responded to any Request shall not be deemed an admission that Respondents accept or admit the existence of any facts set forth or assumed by such Request or that such objection or response constitutes admissible evidence. The fact that Respondents have responded to part or all of any Request is not intended to and shall not be construed to be a waiver by Respondents of any part of any objection to any Request.

The responses and objections are made on the basis of information and writings currently available to and located by Respondents upon reasonable investigation. Respondents expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate

## GENERAL OBJECTIONS

- 1) Respondents object to the Requests to the extent that they seek privileged information that is protected from disclosure.
- 2) Respondents object to the Requests to the extent that they require Respondents to search for and produce documents or information that are not within their possession, custody, or control.
- 3) Respondents object to the Requests to the extent they seek information or documents that cannot be located by Respondents after reasonably diligent inquiry, are readily available from public sources, or are available to Complaint Counsel from another source or by other means that are more convenient, more appropriate, less burdensome, or less expensive.
- 4) Respondents object to the Requests to the extent they seek legal conclusions and/or would require Respondents to reach a legal conclusion in order to prepare a response.
- 5) Respondents object to the Requests to the extent they are argumentative, prejudicial, improper, incorrect, vague, and/or ambiguous.
- 6) Respondents object to the Definitions to the extent that certain Definitions imply legal conclusions. For example, by responding to or using the definitions "international beauty pageant" Respondents are not admitting that a show or event can only be structured in one particular format similar the one used by opposer, when in reality there are numerous formats and themes possible.

## REQUESTS FOR REVISION OF ANSWERS STATEMENT

The answers herein have been Revised and resend to opposer on: January 19, 2016

Defendant has reviewed opposers letter send on January 12, 2016 reacting to the Defendant's interrogatories answers, whereas such interrogatory answers are formulated by the Defendant in good faith and to the best of Defendant's abilities considering that it takes more research time for the Defendant since they are

representing them selves as means of necessary precautions to not be lead towards unnecessary legal expenditures; therefore any small delays or legal wording shall not be deemed as intentional or used as justification to misrepresent the overall meaning of defendants answers within the subject matter. For example; when opposer does not disclose information it is because such information is private, can be replicated by third parties or vulnerable to divulgation and therefore "In plain English" we do not entrust third parties with our private information such as opposers employees or legal team, we can however gladly make information that is absolutely mandatory and required by law available to a designated impartial expert of the court"

In addition, opposers letter demands a short deadline to revise more than 70 legal questions within 4 working days. Defendant makes the observation, that Opposer has not yet provided answers to the Defendants discovery questions, and thus placing the Defendant within the disadvantage point of providing answers in advance. Defendant also brings forth that Defendants interrogatory questions send to the opposing party have been to the point, reasonable and not excessive in order to avoid unnecessary expenditure of time, money and legal fees for the opposing party and to not frustrate the foregoing proceedings; in the other hand, opposer is requesting unnecessary abundant information; such as, all of defendant, financials, emails and letters since the beginning of time and so on; to the extend, as if defendant has to provide boxes of documents to the federal tax office for a tax evasion case, as if this is all required to evaluate the pronunciation or words, meanings of words, public survey or draw the attention away from the fact that there are so many pageants registered with the word (**Miss - Verse and even Universe**); all of this is regarded as a fishing expedition or leading defendant towards unnecessary expenditure of time, finances and human resources.

Opposers letter impolitely **accuse Defendant** "in writing" as registering in bad faith as if Opposer has any evidence to sustain such false and defamatory claims. Defendant resent such accusations which is improper as to the extent that it falsely and misleadingly frames defendant's character intent and good ethical business practices; therefore, defendant makes the observation that such harsh accusations accompanied by threats of litigation, unfounded accusations and legal tactics are regarded as bad faith bully business practice.

## INTERROGATORIES

Respondents Mrs. Linda Grandia and MISS MULTIVERSE ("Respondents") respond and object to Complaint Counsel's Request for Interrogatories ("Interrogatories") as set forth below.

- 1) Identify all persons with knowledge of Applicant's creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 1:** *Mrs. Linda Grandia, created, designed, developed prepared and analyzed The Miss Multiverse Marks.*

- 2) Describe fully the facts and circumstances surrounding the creation, design, development, selection and adoption of the MISS MULTIVERSE Mark.

**Answer to interrogatory No. 2:** *Mrs. Linda Grandia in the search for a brand name for her personality contest came across a documentary about a new theory called the Multiverse, meaning multiple dimensions. Mrs. Grandia associated the modern theory of The Multiverse with the multi-talents and the multi-capabilities that make modern women of today multifaceted to describe the women participating in her contest. The word Multiverse and its theory, meaning and pronunciation, was relatively new, barely unheard of, non popular, had no meaning in pageantry and therefore had no association or use by any pageant organization in any way shape or form. Linda Grandia primary intend was to create a new mark with her unique own concept with no likelihood of association with any existing mark or pageants. Defendants primary mission is to distant the image of her mark from all traditional pageants including opposers mark and prefers the use of personality competition, super model and beauty queen, instead of pageantry; since the word pageant and pageant contestants have to a certain extend the reputation of being ridiculed as showcasing women that cannot properly answer basic questions or measuring up to the modeling industry standards, some times breading scandals and law suits.*

- 3) Explain the relationship between Applicant and G & G Exchange.

**Answer to interrogatory No. 3:** *The trademark Miss Multiverse is owned by Linda Grandia, Mrs. Linda Grandia is also the CEO of G&G Exchange*

- 4) Identify all officers, board members, investors, and donors of G & G Exchange.

**Answer to interrogatory No. 4:** *Defendants respond to this Interrogatory as follows: Mrs. Linda Grandia is the CEO of G&G Exchange and the relevant contact person related to the present proceedings.*

- 5) Identify all persons who work or volunteer in connection with the organization, promotion, production, and any other aspects of the MISS MULTIVERSE Services.

*Answer to interrogatory No. 5: Defendants object to this Interrogatory as follow: [i] an employer of The Netherlands and our policies do not allow the disclosure of information subject to non-disclosure employee or contractor's information of third parties not involved in the subject matter unless previously specified to the third party that they bare such responsibility. [ii] Mrs. Linda Grandia is the person responsible in all matters related to the MISS MULTIVERSE mark.*

- 6) State with particularity the expenses and revenues associated with the MISS MULTIVERSE television show.

*Answer to interrogatory No. 6: Defendant object to this Interrogatory to the extend that it seeks protected and privileged financial information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 7) State with particularity the expenses and revenues associated with each of the MISS MULTIVERSE pageants, segregated by year and pageant name.

*Answer to interrogatory No. 7: Defendant object to this Interrogatory to the extend that it seeks protected and privileged financial information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

- 8) Describe fully the facts and circumstances surrounding Applicant's filing an application to register the MISS MULTIVERSE Mark in any governmental agency or jurisdiction, including but not limited to the U.S. Patent and Trademark Office.

*Answer to interrogatory No. 8: Investigation towards the prior use or existing use of the Miss Multiverse trademark was extensively researched and no grounds to doubt the originality of the trademark were found. The use of the word Multiverse and its theory, meaning and pronunciation were as good as new. Therefore, the Mark was registered in The Benelux following all the pertinent trademark laws of The Benelux and consequently accepted by the Benelux Trademark office. The Defendant has conducted numerous public activities through the years and has received no complaints, remarks or claims of confusion. Defendant registered in The USA where no extraordinary eventualities out of the normal registration proceedings took place, in all cases the USPTO found no grounds of conflicts with other brands and accepted defendant's application. Opposer interrupted the Applicant's process in the USPTO by means of claiming brand confusion whereas no evidence substantiating such claims has been*

*shown to applicant. Further information is publically available to the opposing part in the USPTO website and easily accessible via the trademark tools and links.*

- 9) Describe in detail the manner in which you use, have used, and/or plan to use the domain name [missmultiverse.com](http://missmultiverse.com)

***Answer to interrogatory No. 9:*** *The domain [www.MissMultiverse.com](http://www.MissMultiverse.com) has ben used and will continue to be used to identify the IP address hosting The Miss Multiverse Website and to receive the redirection of other web addresses owned by Miss Multiverse in the USA such as [www.MissMultiverse.US](http://www.MissMultiverse.US) targeting and providing entertainment services to millions of consumers in the USA.*

- 10) State whether you have transferred or sold the domain name [missmultiverse.com](http://missmultiverse.com) , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 10:*** *Domain has not been transferred or sold.*

- 11) Describe in detail the manner in which you use, have used, and/or plan to use the domain name [msmultiverse.com](http://msmultiverse.com)

***Answer to interrogatory No. 11:*** *The domain [www.MsMultiverse.com](http://www.MsMultiverse.com) (Ms) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have interest in contests for women that are "completely different" to other contest. These particular consumers are specifically seeking for contest that accept women ages above other competitions and accept women that have been previously married or with children. These Consumers land at the domain [www.MsMultiverse.com](http://www.MsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

- 12) State whether you have transferred or sold the domain name [msmultiverse.com](http://msmultiverse.com) , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 12:*** *Domain has not been transferred or sold.*

- 13) Describe in detail the manner in which you use, have used, and/or plan to use the domain name [mrsmultiverse.com](http://mrsmultiverse.com) .

*The domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) (Mrs) has been used and will continue to be used to redirect the population of English speaking consumers from the USA that have particular interest in contests for women that are "different" to other contest. These consumers are specifically seeking for contest that accept women that married, with ages above other competitions and accept women with children. These Consumers land at the domain [www.MrsMultiverse.com](http://www.MrsMultiverse.com) and are then redirected to the IP address of the Miss Multiverse international website [www.MissMultiverse.com](http://www.MissMultiverse.com) .*

- 14) State whether you have transferred or sold the domain name [mrsmultiverse.com](http://mrsmultiverse.com) , including: (a) the date of any transfer of sale, (b) the party to whom you sold or transferred the domain name, (c) the reason for transfer or sale of the domain name, and (d) the type and amount of consideration received for the transfer or sale.

***Answer to interrogatory No. 14:** Domain has not been transferred or sold.*

- 15) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE.

***Answer to interrogatory No. 15:***

*MARK - Name of the Miss Multiverse competition*

*TITLE – Awarded to the 10 winners of the Miss Multiverse competition.*

- 16) Describe in detail the nature and extent of Applicant's use or plans to use the name, mark or title MISS MULTIVERSE USA.

***Answer to interrogatory No. 16:** TITLE awarded to the contestant representing AMERICA. Similar to how all international contestants represent their title in their country, regardless of where the international event takes place. The actual title is MISS MULTIVERSE AMERICA not USA.*

- 17) Identify the person with most knowledge regarding Applicant's use or planned use of the MISS MULTIVERSE Mark, including anticipated date of Applicant's first use.

***Answer to interrogatory No. 17:** Mrs. Linda Grandia is the person with most knowledge regarding planned use of the Miss Multiverse mark including the anticipated date of first use.*

- 18) Identify the person with the most knowledge regarding the format of Applicant's MISS MULTIVERSE pageants, including any preliminary contests, if any.

***Answer to interrogatory No. 18:***

*(a) Mrs. Linda Grandia is the person with most knowledge regarding the format of Miss Multiverse. (b) Miss Multiverse process is different than other competitions and does not hold preliminary contest.*

- 19) State whether Applicant's MISS MULTIVERSE pageants have been broadcast via television, internet or any other means, including: (a) title of the pageant; (b) the date of each broadcast; (c) manner of broadcast; (d) vehicle of broadcast; and (e) all media where each pageant was broadcast.

***Answer to interrogatory No. 19:** Defendants object to this Interrogatory as being overly broad. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the Defendant. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; Miss Multiverse Mark was broadcasted in the USA nationwide in 2012 and 2013 via TV cable partners of Super Canal. Miss Multiverse has a US domain targeting exclusively the USA [www.missmultiverse.us](http://www.missmultiverse.us); furthermore, Miss Multiverse reaches the USA via online video streaming with <http://missmultiverse.vhx.tv> Miss Multiverse is also distributed online via multiple platforms in the worldwide open public media space and second screen online channels; such as, YouTube, Daily-Motion and has an exclusive Yuuzoo network targeting the the USA, furthermore numerous social media platforms including Facebook, Google+ Twitter reaching consumers in the USA and worldwide. If opposer finds such information to be of the essence and vital to substantiate how the word MULTIVERSE supposedly has the same meaning as opposers mark, then such information can be sourced by opposer since it is widely available online at the expense of the requesting party. Fed. R. Civ. P. 26(b)(2)(B) [Note 9.] (iii) “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.”*

- 20) List all sponsors or parties solicited to be sponsors of Applicant's MISS MULTIVERSE pageants.

***Answer to interrogatory No. 20:** Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of “brand confusion” Subject to and without waiving the foregoing objections,*

*defendant responds that Opposer is the party who has to demonstrate that sponsors have been approached by MISS MULTIVERSE to pay or support MISS MULTIVERSE and that such sponsors claimed to be confused thinking they were sponsoring Opposers mark instead of MISS MULTIVERSE. Information may be available for review by outside counsel for the parties If compelled by the court. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in “fishing expeditions” and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

- 21) List all venues or potential venues for Applicant's MISS MULTIVERSE pageants, by year and pageant name.

***Answer to interrogatory No. 21:** Defendant object to this Interrogatory as question is already answered as irrelevant in the Interrogatory Question No 22 of the other defendant's first set of interrogatories.*

- 22) Describe in detail each and every use made by Applicant of the MISS MULTIVERSE Mark in connection with television shows.

***Answer to interrogatory No. 22:** Defendants object to this Interrogatory as being overly broad. To collect all information worldwide in order to comply with the request would be an undue burden and expense on the Defendant. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, Miss Multiverse activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters; as well as, distributed online via multiple platforms in the worldwide open public media space. If such information is of the essence for opposer such information can be sought by opposer on their own time and expense since it is found in the public domain.*

- 23) Identify the individuals with most knowledge regarding Applicant's promotion and future marketing plans for the MISS MULTIVERSE Mark.

***Answer to interrogatory No. 23:** Mrs. Linda Grandia is the person with most knowledge regarding future marketing plans for the Miss Multiverse Mark.*

24) Identify the person with most knowledge regarding Applicant's advertising and promotional expenditures relating to MISS MULTIVERSE Services.

*Answer to interrogatory No. 24: Mrs. Linda Grandia is the person with most knowledge regarding advertising and promotional expenditures relating to Miss Multiverse Services.*

25) Identify all venues where Applicant's MISS MULTIVERSE pageants have been held.

*Answer to interrogatory No. 25: Please find answer in Interrogatory question No21*

26) Identify the person with most knowledge regarding sales or licenses of the MISS MULTIVERSE Services, gross revenue generated in connection with the MISS MULTIVERSE Services, and other financial information regarding G & G Exchange and Applicant's production and promotion of pageants.

*Answer to interrogatory No. 26: Mrs. Linda Grandia is the person with most knowledge regarding financial information of the MISS MULTIVERSE Services in connection with G & G Exchange.*

27) Identify all individuals, firms, and entities who sell and/or sold, advertise(d), promote(d) and/or distribute(d) MISS MULTIVERSE Services.

*Answer to interrogatory No. 27: G&G Exchange manages all direct sales and business related with the Miss Multiverse Mark.*

28) Identify the newspapers, magazines, publications, websites, television and radio stations and/or shows where Applicant markets, advertises and promotes its goods and services in connection with the MISS MULTIVERSE Mark.

*Answer to interrogatory No. 28: Defendants object to this Interrogatory as being overly broad or unduly burdensome. The information sought is available to the opposing part as it is found publically in the world wide web. Miss Multiverse contestants appear in multiple programs, interviews and articles in their native countries, our activities are public and therefore filmed, photographed and interviewed by multiple independent sources and broadcasters. The Information is public, extensive and difficult to track all of them, therefore to comply with the request would be an undue burden and expense on the Defendant. If such information is of the essence for opposer such information can be sought by opposer on their own time and expense since it is found in the public domain. A party has an obligation to make a reasonable and good faith effort to obtain*

*requested information, “except where the information is not equally available to both parties.”*

29) Identify each use by any third party of the mark MISS MULTIVERSE, and the persons knowledgeable of such use.

*Answer to interrogatory No. 29: Defendant respond to this Interrogatory as follows: G&G Exchange operates the mark therefore no third parties use the mark Miss Multiverse.*

30) Identify any and all trademarks owned by Applicant.

*Answer to interrogatory No. 30: No other trademarks are owned by Applicant.*

31) Identify any and all beauty pageants and contests operated and/or sponsored by Applicant.

*Answer to interrogatory No. 31: Defendants object to this Interrogatory as being irrelevant to the subject matter. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: No other brands, activities or events are owned by Defendants.*

32) Identify any and all television programs operated, promoted or sponsored by Applicant.

*Answer to interrogatory No. 32: I am Multiverse TV reality program.*

33) Describe the rules by which contestants must abide as participants in any and all of the beauty pageants operated and/or sponsored by Applicant, identified by pageant.

*Answer to interrogatory No. 33: Please find bellow information that is readily public and therefore made available:*

***Selection:** Contestants are handpicked directly by the organization unlike pageant where its done by country directors. Unlike pageants where interviews take place with preliminaries, Miss Multiverse Interviews are conducted as TV audition style, related to TV program castings. Outer beauty is irrelevant, the organization seeks primarily multi-facet qualities and TV likeness such as outrageous and interesting personalities that are able to engage TV viewers.*

***Requirements:** Ages: 18 to 35, unlike pageants where age limit is 26 (b) Relationship status: Can be single, married, divorced, widowed, allowed to have children unlike*

pageant where women are limited to be single and cannot have children in order to participate. (c) Minimum height: 1.70m unlike pageants where minimum height is 1.65m (d) Education: Mandatory University level education, unlike pageants where high school level as minimum is required. (e) Language: Fully understand and speaking English. Unlike pageants where language is not relevant since they provide a translator.

**Rules:** Be your self, follow the planed schedule and TV script.

34) Describe in detail the format of Applicant's MISS MULTIVERSE pageants, including preliminary pageants if any.

**Answer to interrogatory No. 34:** Defendants object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulgation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: Miss Multiverse does not hold preliminary pageants, Defendants major mission is to distant the image of her mark from traditional pageants and prefers the use of competition instead of pageant, since the word pageant and pageant contestant has a tendency of being ridiculed. Miss Multiverse does not have the same format each year, our concept continues to evolve regularly and has transformed in to a TV program that follows a personality contest. Traditional pageants are held on stage showcasing women on bikini and evening gowns, within a live show that culminates with one winner. Miss Multiverse takes place outdoors and does not culminate or expires, it begins with 10 winners that receive the Miss Multiverse Title and this is only the beginning of the story. Further information is classified and protected under privacy.

35) Describe fully Applicant's knowledge of Opposer's Miss Universe Marks and pageants, including all documents which relate or refer to the circumstances under which Applicant first became aware of Opposer's Miss Universe Marks.

**Answer to interrogatory No. 35:** Defendant objects to this discovery request as phrased is argumentative. It requires the adoption of an assumption, which is improper as to the extent that it assumes that applicant is an aficionado, connoisseur or collector of documents and things of opposers mark.

36) State whether Applicant has received any communication from any third party of any nature whatsoever which mentions or otherwise concerns Opposer or Opposer's Miss Universe Marks and, if so, describe fully those instances including name of individual,

the person receiving the communication, date of communication, and nature of communication, including any alleged instances of actual confusion.

**Answer to interrogatory No. 36:** *Defendant objects to this discovery request as argumentative as it requires the adoption of an assumption, which is improper as to the extent that it falsely and misleadingly assumes that applicant has received or witnessed an alleged instance of mark confusion. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: Applicant has never received or witnessed in any way, shape or form any written communication or verbal information with any instances or traces mentioning opposers mark or mentioning any remote possibility of resemblance or likelihood of confusion.*

37) Identify any rights in the MISS MULTIVERSE Mark which Applicant has granted to any third party or acquired from any third party, including, but not limited to licenses, assignments, and security interests, and the persons knowledgeable concerning each grant or acquisition.

**Answer to interrogatory No. 37:** *Defendants object to this Request on the grounds that it seeks disclosure of confidential third party business information protected by confidentiality agreements and reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion" All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). And Fed. R. Civ. P. 26(g) (B) [Note 3.] While the scope of discovery is therefore somewhat broad, parties may not engage in "fishing expeditions" and must act reasonably in framing discovery requests. Further information may be subject to company espionage and therefore under 412 Protective Orders 37 CFR § 2.116(g) and subject to Chapter 400-108. Trade Secret/Commercially Sensitive -Material to be shielded by the Board from public access, restricted from any access by the parties, and available for review by outside counsel for the parties and, subject to the provisions of paragraph 4 and 5, by independent experts or consultants for the parties.*

38) All Documents and things concerning Applicant's applications and/or registrations for the MISS MULTIVERSE Mark in the United States.

**Answer to interrogatory No. 38:** Duplicate *The information sought is answered in opposer first production of document request question No. 37.*

39) All Documents and things in Applicant's possession regarding or referring to Opposer, or Opposer's pageants, including but not limited to Opposer's Miss Universe Pageant, Miss Usa Pageant or Miss Teen Usa Pageant.

*Answer to interrogatory No. 39: G&G Exchange is not in possession of documents or things regarding Opposer other than those listed on the trademark office website and/or publicly available.*

40) Identify any insurance policies pursuant to which an insurance company may be liable to cover Applicant's legal fees in connection with this Opposition proceeding.

*Answer to interrogatory No. 40: Defendants object to this request on the grounds that it seeks disclosure of confidential business information and not reasonably calculated to the discovery of admissible evidence that can demonstrate any likelihood of mark confusion to justify the Opposer's claims of "brand confusion"*

41) Identify each legal proceeding to which Applicant has been a party.

*Answer to interrogatory No. 41: Defendants has no legal proceedings.*

42) Identify any and all persons with knowledge concerning the facts which support Applicant's denial of any allegation in the Notices of Opposition and the facts as to which each has knowledge.

*Answer to interrogatory No. 42: Mrs. Linda Grandia is the relevant contact person with knowledge related to the present proceedings.*

43) Explain in detail all plans Applicant has to expand the nature of its pageant services or television shows and/or the channels of trade and media where its services are promoted or offered for sale, broadcast, or advertised.

*Answer to interrogatory No. 43: Defendants object to this Interrogatory on the grounds that it seeks the disclosure of confidential and proprietary business trade secrets that are vulnerable to intellectual copy, divulcation of professional and artistic creation and/or replication of defendant's concepts by third parties. Subject to and without waiving their objections, Defendants respond to this Interrogatory as follows: The TV program "I am Multiverse" is not part of current proceedings. [ii] Defendants primary expansion mission is to distant the image of her mark from pageants since it has a reputation of being ridiculed as showcasing women that cannot properly answer basic questions. Not measuring up to modeling standards, breading scandals and law suits.*

44) Identify all persons who assisted in preparing Applicant's responses to Opposer's First Set of Interrogatories, and produce all documents consulted or referred to by Applicant in connection with preparing its responses to Opposer's First Set of Interrogatory  
*Answer to interrogatory No. 44: Mrs. Linda Grandia is the person producing documents and preparing responses to Opposer's First Set of Interrogations.*

**Declaration under penalty of Perjury**

I Linda Grandia declare under penalty of perjury that the information contained in this document are true and correct under the pertinent trademark laws of the United States.

**Certificate of Service**

*I hereby certify that a true and complete copy of the attached foregoing (**Early Discovery Document - Miss Multiverse Trademark**) has been served upon opposing counsel ( Amy Gaven of Kelley Drye & Warren LLP ) by e-mail (on December 20, 2015 to e-mail address: [agaven@kelleydrye.com](mailto:agaven@kelleydrye.com)) and mailing said copy, via First Class Mail, postage prepaid to: ( Amy Gaven, Kelley Drye & Warren LLP, 101 Park Avenue, New York, 10178, United States).*

Revised and resend to opposer on: January 18, 2016



MISS & MRS  
LINDA GRANDIA  
GG EXCHANGE

Dated: \_\_\_\_\_ December 20, 2015

By: \_\_\_\_\_  
Linda Grandia  
**Applicant**

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