

ESTTA Tracking number: **ESTTA777263**

Filing date: **10/17/2016**

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

Proceeding	91221951
Party	Defendant Hair Are Us, Inc.
Correspondence Address	HARRY TAPIAS LOIGICA PA 2 S BISCAYNE BLVD , STE 3760 MIAMI, FL 33131-1815 UNITED STATES harry.tapias@loigica.com, camilo.espinosa@loigica.com, tiffany.disney@loigica.com, kaustubh.nadkarni@loigica.com
Submission	Motion to Extend
Filer's Name	Harry Tapias, Esq.
Filer's e-mail	harry.tapias@loigica.com
Signature	/Harry Tapias/
Date	10/17/2016
Attachments	Motion for Extension of Time for Discovery.pdf(108835 bytes) EXHIBIT A.pdf(331602 bytes)

Opposition proceeding dates.

On October 5, 2016, Opposer electronically mailed Applicant with Opposer's Request for the Production of Documents, Set of Interrogatories, Request for Admissions, Request for Production and Notice of Deposition (Copies of these Requests are attached as **Exhibit A**).

II. MOTION TO EXTEND

In accordance to Fed. R. Civ. P. 6(b), Applicant in the above-identified opposition proceeding, by and through its respective attorneys, hereby moves that the time to extend discovery, due on October 31, 2016, be extended to November 30, 2016, for an additional period of **thirty (30) days**. Applicant also requests that the Opposer's oral examination date be re-set, and subsequently, the testimony period be re-set to follow close of discovery.

Opposer had over four (4) months from the time initial disclosures were due to serve its request for discovery documents, but did nothing until October 5th, 2016.

Opposer's counsel also denied Applicant's request via its counsel to have Opposer's request for discovery documents electronically mailed in word format for ease in responding given the sensitivity of time.

Applicant has also failed to receive any of Opposer's discovery documents via U.S. Mail as confirmed by Opposer's counsel via electronic mail. Opposer has been anything but diligent during the discovery period.

Applicant and its attorneys directly lie in the jurisdiction (Florida) that was under severe Hurricane Matthew watch during the week of October 2, 2016. In fact, the Governor of Florida had declared a state of emergency for all counties in the State of Florida, including the county of Miami Dade, where Applicant does business and its attorney(s) reside. Hurricane Matthew made landfall in Florida just after October 5, 2016, the very day which Opposer electronically mailed its discovery documents.

In anticipation of the severity of weather conditions and destruction caused by Hurricane Matthew, Applicant was extremely consumed in protecting its valuable business assets, and now finally getting back to normal business. Opposer, on the other hand, had over four months to provide its discovery requests, but did nothing.

The purpose of extension is reasonable, allowing Applicant time to review Opposer's discovery requests and allow Applicant and its attorneys with sufficient time to prepare Applicant for the oral deposition.

Applicant requests thirty (30) day extension for discovery to November 30, 2016, and thereby, re-set Opposer's oral examination date of October 26, 2016, and the testimony period to follow to re-set discovery period.

Undersigned counsel submits that this motion is not being filed for the purpose of delay or any other improper purpose and no party will suffer any prejudice as a result of the requested extension of time.

Respectfully submitted,
Hair Are Us, Inc.

Dated: 10/17/2016

By:

/Harry Tapias/
Harry Tapias, Esq.

/Kaustubh Nadkarni/
Kaustubh Nadkarni, Esq.

/Camilo Espinosa/
Camilo Espinosa, Esq.

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion for Extension of Discovery has been electronically served on all parties on this 17th day of **October 2016**.

By:

/Harry Tapias/
Harry Tapias, Esq.

/Kaustubh Nadkarni/
Kaustubh Nadkarni, Esq.

/Camilo Espinosa/
Camilo Espinosa, Esq.

Attorneys for Applicant
Loigica & Attorneys
350 Lincoln Road, Suite 3015
Miami Beach, Florida 33139

EXHIBIT A

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

GEOFFREY, LLC,)	
	)	Opposition No. 91221951
Opposer,)	
	)	Appl. No. 86/222,809
v.)	
	)	Filed: March 17, 2014
HAIR ARE US, INC.,)	
	)	Mark: HAIR ARE US & Design
Applicant.)	
)	

OPPOSER'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Opposer, Geoffrey, LLC (hereinafter, "Opposer"), by and through its attorneys, propounds the following interrogatories to Applicant, Hair Are Us, Inc. (hereinafter, "Applicant"), to be answered within thirty (30) days:

Definitions and Instructions

1. "Document" means all written or printed matter of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including without limitation correspondence, memoranda, notes, speeches, press releases, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of

conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, charts, graphs, videotapes, recordings, motion pictures) and electronic, mechanical, or electrical records or representations of any kind (including without limitation tapes, cassettes, discs and recordings). A draft or non-identical copy is a separate document within the meaning of this term.

2. "Applicant" means Hair Are Us, Inc., including its predecessors in interest, corporate parent, subsidiaries, franchisees, affiliates and divisions, partners, and all officers, directors, employees, agents and representatives thereof.

3. "Opposer" means Geoffrey, LLC, including its predecessors in interest, corporate parent, subsidiaries, franchisees, affiliates and divisions, partners, and all officers, directors, employees, agents and representatives thereof.

4. "Media," in addition to its customary and usual meaning, means newspapers, magazines, television, internet, and radio and anyone associated therewith.

5. "Opposer's Marks" as used herein refers to Opposer's marks including R US, alone and/or in combination with other words and/or designs, unless otherwise stated or is obvious from the context of the interrogatory.

6. "Applicant's Mark" means any inscription, writing, symbol, design, trademark or service mark consisting of or containing the term "HAIR ARE US" or "HAIR R US" used or owned by Applicant.

7. "Confusion" and "likelihood of confusion," in addition to their usual and customary meaning, shall have the meanings ascribed to them by the Trademark Act, Section 2(d), 15 U.S.C. § 1052(d).

8. "Person" or "persons" means any natural person, corporation, association, firm, partnership, or other business, government, or legal entity, including all subsidiaries, affiliates and divisions, and all officers, directors, employees, agents, and representatives.

9. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring

within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

10. "You" or "your" means Applicant, as defined hereinabove. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

11. With respect to "use" of Applicant's Mark (as defined hereinbelow), such term shall have the meaning set forth in the Lanham Act, 15 U.S.C. § 1051 et seq.

12. Whenever an interrogatory inquires about documents, please furnish the following information as to each, or if Applicant prefers, furnish Opposer's counsel with copies of each at such time as counsel mutually agree: (1) the date of the document; (2) a general description of the document; (3) a general description of the subject matter to which it pertains; (4) the names and addresses of the addressor, addressee and all persons receiving or shown the document or copies thereof; (5) the names and addresses of the persons in whose custody, possession or control the document is presently maintained.

13. The words "identify," "identity," and "identification," when used with respect to a person means to state the full name and present or last known residence, and

present or last known business address, of such person, and, if a natural person, his present or last known job title, and the name and address of his present or last known employer.

14. The words "identify," "identity," and "identification," when used with respect to a document mean to describe the document by date, type, manner of transmission, distribution, and publication (if any), subject matter, the name of each person who wrote, signed, initialed, dictated or otherwise participated in the preparation of same, the name and address of each addressee (if any), and the name and address of each person who has possession, custody or control of such document.

15. The words "identify," "identity," and "identification," when used with respect to an act, occurrence, statement or conduct, including an alleged violation or breach (hereinafter, collectively called an "act"), mean to:

- a) describe the substance of each event constituting such act and to state the date when such act occurred;
- b) identify each person participating in such act;
- c) identify each person present when such act occurred;

d) state whether the occurrence of such act was recorded or described in a document;

e) state whether such document or a copy thereof now exists; and

f) identify the person presently having possession, custody or control of each such document.

INSTRUCTIONS

1. These interrogatories seek answers as of the date hereof and shall be deemed to be continuing, requiring Applicant to serve upon Opposer such further supplemental or amended answers after Applicant has acquired additional knowledge or information relating in any way to these interrogatories.

2. In the following interrogatories, if you have withheld any information based upon any privilege, including that of attorney-client or attorney work product:

- (a) identify the privilege;
- (b) identify the date of the document or date on which the information was communicated;
- (c) identify the originator of the document or communicator of the information, the person to whom the document was addressed or information was transmitted and all persons who received the

- documents or information; and
- (d) describe the type of document or information transmitted and the subject matter to which it pertains.

3. The use of the singular form of any word includes the plural and vice versa. The present tense includes the past tense and vice versa.

INTERROGATORIES

INTERROGATORY NO. 1

Identify: (a) the address of Applicant's principal place of business; (b) the place of incorporation; (c) the date of Applicant's incorporation or corporate formation; and (d) the addresses of all offices and physical locations of Applicant and its parents, subsidiaries, and corporate affiliates, in the United States.

INTERROGATORY NO. 2

With regard to the first time Applicant ever used Applicant's Mark, identify the following:

- (a) the date of first use;
- (b) the geographic scope of use;
- (c) the nature of the commercial transaction;

(d) the goods or services; and

(e) evidence supporting the first use of the mark.

INTERROGATORY NO. 3

Identify all persons who were involved in the selection and/or adoption of Applicant's Mark, and all persons having information relating to any formal or informal trademark searches or investigations which relate to Applicant's Mark.

INTERROGATORY NO. 4

Identify any search or investigation of any records such as, but not limited to, United States Patent and Trademark Office records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service or organization conducted by or on behalf of Applicant which refer or relate to Applicant's Mark.

INTERROGATORY NO. 5

Identify each distinct label, tag, sticker, container, package, good, sign, photograph, brochure, marketing and promotional material, radio and television script, radio and television audio or video recording, or other advertising material used by, or intended to be used by, Applicant in connection with the sale or provision of goods or services under Applicant's Mark.

INTERROGATORY NO. 6

Identify the media through which Applicant has advertised or promoted, or will advertise or promote, its products and services sold in connection with Applicant's Mark.

INTERROGATORY NO. 7

State the name, address, and title or position of each person having knowledge of Applicant's efforts to enforce its rights in Applicant's Mark.

INTERROGATORY NO. 8

Identify all persons, past or present, who were or are responsible for the marketing, advertisement and sale of Applicant's goods and/or services under Applicant's Mark, including the time period when each such person was so responsible.

INTERROGATORY NO. 9

Identify each and every good and service advertised, distributed, sold, offered or licensed, or intended to be advertised, distributed, sold, offered or licensed, by Applicant in connection with Applicant's Mark.

INTERROGATORY NO. 10

State whether Applicant has received notice by any person or entity, other than Opposer, that Applicant's Mark allegedly infringed a similar trademark and if so, for each notice, state the date it was given; the name and address of the person by whom and to whom it was given; and the form in which the notice was given.

INTERROGATORY NO. 11

Identify all persons, businesses, organizations, manufacturers, distributors, retailers, wholesalers or consumers to whom Applicant has sold the goods and services identified in response to Interrogatory No. 9.

INTERROGATORY NO. 12

Identify the length of Applicant's use, the territorial areas in which Applicant's Mark was in use, the type of goods and services on or in connection with which Applicant's use of the Applicant's Mark was made, and the facts on which Applicant relied to support such contentions.

INTERROGATORY NO. 13

State whether Applicant's Mark has been in continuous use since its first use in the United States and, if Applicant's

Mark has not been in continuous use for any period of time identify the period of time and all persons with knowledge of said interruption(s).

INTERROGATORY NO. 14

For each of the goods and services identified in response to Interrogatory No. 9, identify the following: date(s) of first actual or intended use; the identity of the purchaser or recipient; the dollar amount of the sale; the number of units sold; the trade channel of the sale; the packaging or the manner in which Applicant's Mark was used with the goods or services.

INTERROGATORY NO. 15

Identify the annual sales volume in dollars and units for each of the goods or services identified in response to Interrogatory No. 9 for the period of five (5) years to the present.

INTERROGATORY NO. 16

Identify Applicant's annual expenditure, or proposed annual expenditure, for advertising, promotion and marketing in connection with Applicant's Mark for the period of five (5) years to the present.

INTERROGATORY NO. 17

Identify any marketing, sales, or business plans relating to the goods and services identified in response to Interrogatory No. 9.

INTERROGATORY NO. 18

Identify all United States trade shows, seminars, or conventions where Applicant's goods and/or services have been promoted with Applicant's Mark either formally or informally, and for each trade show, seminar, or convention, state the date and location.

INTERROGATORY NO. 19

Identify all classes of customers and channels of trade for the goods and services identified in response to Interrogatory No. 9.

INTERROGATORY NO. 20

Identify separately the person or persons most knowledgeable regarding the following subject areas relating to the goods and services identified in response to Interrogatory No. 9:

- a) sales;
- b) marketing and/or promotion;

- c) revenues;
- d) the consumers of Applicant's goods and/or services
(intended and/or actual);
- e) distribution;
- f) advertising;
- g) labeling, naming or designation of products or
services including trademark or service mark
enforcement matters.

INTERROGATORY NO. 21

Identify any expert surveys, marketing studies, focus group studies or polls conducted or commissioned by Applicant relating to Applicant's Mark or Opposer's Mark and set forth the results of such surveys, marketing studies, focus group studies or polls and the identities of all persons involved in same.

INTERROGATORY NO. 22

Identify any instances of actual confusion between Applicant's Mark and Opposer's Mark, further identifying any and all documents relating thereto and all persons with knowledge thereof.

INTERROGATORY NO. 23

Identify all documents, including without limitation, surveys, market research studies, polls or investigations,

tending to show that there is a likelihood of confusion or, alternatively, no likelihood of confusion, between the Applicant's Mark and Opposer's Mark, and the name of each person with knowledge related thereto.

INTERROGATORY NO. 24

State the name, address, and title or position of each person Applicant intends to call or rely upon as an expert witness, and as to each such person state the qualifications of the witness, the subject matter on which such expert is expected to testify, the substance of the facts and opinions to which each expert is expected to testify, a summary of the grounds for each opinion, and identify any documents each such expert has reviewed or relied upon in formulating his or her opinion.

INTERROGATORY NO. 25

State the name, address, and title or position of each person Applicant intends to call or rely upon as a witness.

INTERROGATORY NO. 26

Identify all agreements between Applicant and any third parties regarding use of the Applicant's Mark.

INTERROGATORY NO. 27

To the extent you have not done so in answering the foregoing interrogatories, describe in detail the names, addresses, titles and positions of all persons having knowledge of facts relevant to the subject matter of this proceeding; and a description of the extent and nature of their knowledge.

Respectfully Submitted,

BLANK ROME LLP

Date: October 5, 2016

By: /matthew homyk/
Timothy D. Pecsénye
Megan E. Spitz
Matthew A. Homyk
One Logan Square
Philadelphia, PA 19103

Attorneys for Opposer
Geoffrey, LLC

CERTIFICATE OF SERVICE

I, Matthew A. Homyk, do hereby certify that I have on the 5th day of October, 2016, served via first class mail, the foregoing Opposer's First Set of Interrogatories to the following counsel of record:

HARRY TAPIAS
LOIGICA PA
2 S BISCAYNE BLVD, STE 3760
MIAMI, FL 33131-1815

Attorneys for Opposer

/matthew homyk/
Matthew A. Homyk

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

GEOFFREY, LLC,)	
	)	Opposition No. 91221951
Opposer,)	
	)	Appl. No. 86/222,809
v.)	
	)	Filed: March 17, 2014
HAIR ARE US, INC.,)	
	)	Mark: HAIR ARE US & Design
Applicant.)	
)	

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Opposer Geoffrey, LLC, by and through undersigned counsel, will take the deposition upon oral examination of persons designated by Applicant Hair Are Us, Inc. ("Applicant") to testify on its behalf regarding, inter alia, the subjects identified below. The deposition will take place at the offices of Blank Rome LLP, Broward Financial Centre, 500 East Broward Boulevard, Suite 2100, Fort Lauderdale, Florida 33394, beginning at 8:00 A.M. on October 26, 2016. The deposition will take place by oral examination before an officer authorized to administer oaths, will be recorded by stenographic means, may be recorded by videotape, and will continue from day-to-day until completed.

Subject Matter of Rule 30(b)(6) Deposition

In accordance with Rule 30(b)(6), Applicant is required to produce a knowledgeable deponent regarding the following subjects:

1. Applicant's selection, adoption, first use, actual use, and continuous use of Applicant's Mark;¹
2. Ownership and chain of title of Applicant's Mark;
3. Any filings for registration of Applicant's Mark;
4. Correspondence to and from the U.S. Patent and Trademark Office, filings by Applicant to the U.S. Patent and Trademark Office, and other communications between Applicant and the U.S. Patent and Trademark Office regarding applications and registrations for Applicant's Mark;
5. All goods and services offered, promoted, or sold in connection with Applicant's Mark;

¹ Opposer adopts by reference and incorporates herein the Definitions and Instructions set forth in Opposer's First Set of Interrogatories. Unless otherwise stated, these subjects cover the time period from the date of the alleged first use of Applicant's Mark to the present.

6. Communications with prospective or actual customers in connection with goods or services offered or sold in connection with Applicant's Mark;
7. Marketing, advertising, promotion, and sale of products and services in the United States in connection with Applicant's Mark;
8. Each distinct marketing and promotional material, good, sign, photograph, website, radio and television script, radio and television audio or video tape, or other advertising material used in connection with Applicant's Mark;
9. The commercial impressions relating to, created by or associated with subjects 8 and 9 above;
10. The total expenditure on marketing, advertising and promotion of products or services in connection with Applicant's Mark;
11. Independent media coverage in connection with Applicant's Mark;
12. Applicant's actual and prospective customers in connection with the goods and/or services offered in connection with Applicant's Mark;

13. Distribution and channels of trade in connection with the goods and/or services certified, offered, or sold in connection with Applicant's Mark;
14. Programs for the enforcement and maintenance of Applicant's Mark;
15. Instances of actual confusion between Applicant's Mark and any of the Opposer's Marks;
16. Any evidence supporting or rebutting Applicant's claims regarding the likelihood of confusion between Applicant's Mark and any of Opposer's Trademarks;
17. Revenues, sales, and profits relating to goods or services in connection with Applicant's Mark;
18. Applicant's first and ongoing knowledge of Opposer, Opposer's Trademarks, and goods or services offered or sold in connection therewith;
19. Applicant's correspondence and/or other communications with any third parties regarding this dispute, Opposer, Applicant's Mark, or Opposer's Trademarks;
20. Applicant's correspondence and/or other communications with any current or former employees regarding this proceeding, Opposer, Applicant's Mark, or Opposer's Trademarks;

21. Contracts, licenses, or other agreements relating to Applicant's Mark;
22. Registration and use of all domain names and websites associated with or used in connection with Applicant's Mark;
23. Board of Directors meeting minutes for Applicant, as well as all reports, memoranda, and internal correspondence, that refer to or relate to the use or intended use of Applicant's Mark;
24. The claims and facts asserted in Applicant's pleadings in this opposition proceeding;
25. Surveys, marketing studies, focus group studies, or polls conducted or commissioned by Applicant relating to Applicant's Mark or any issue in this opposition proceeding;
26. Applicant's business, generally, including the history of the business, ownership, employees, revenues, goods and services offered or sold, and manner of operation;
27. The identity and location of all documents related to the subjects listed herein, efforts to locate, collect, and produce documents in response to Opposer's requests, and Applicant's document retention policy.

28. The identity of all persons who were and are most involved in and knowledgeable of the subjects listed herein.

You are invited to attend and cross-examine.

BLANK ROME LLP

Date: October 5, 2016

 /s/ Matthew A. Homyk
Timothy D. Pecsénye
Megan E. Spitz
Matthew A. Homyk
One Logan Square
Philadelphia, PA 19103
Tel: (215) 569-5619
Fax: (215) 832-5619

Attorneys for Opposer

CERTIFICATE OF SERVICE

I, Matthew A. Homyk, hereby certify that on this 5th day of October, 2016, I served a copy of the foregoing Notice of Deposition on the following counsel of record via first class mail:

HARRY TAPIAS
LOIGICA PA
2 S BISCAYNE BLVD, STE 3760
MIAMI, FL 33131-1815

Counsel for Applicant

/s/ Matthew A. Homyk
Matthew A. Homyk, Esq.

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

GEOFFREY, LLC,)	
	)	Opposition No. 91221951
Opposer,)	
	)	Appl. No. 86/222,809
v.)	
	)	Filed: March 17, 2014
HAIR ARE US, INC.,)	
	)	Mark: HAIR ARE US & Design
Applicant.)	
)	

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Opposer, Geoffrey, LLC (hereinafter, "Opposer"), by and through its attorneys, propounds the following requests for admission to Applicant, Hair Are Us, Inc. (hereinafter, "Applicant"), to be answered within thirty (30) days:

Definitions and Instructions

1. "Document" means all written or printed matter of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including without limitation correspondence, memoranda, notes, speeches, press releases, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of

conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefaxes, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, charts, graphs, videotapes, recordings, and motion pictures) and electronic, mechanical or electric records or representations of any kind (including without limitation tapes, cassettes, discs, and recordings). A draft or non-identical copy is a separate document within the meaning of this term.

2. "Applicant" means Hair Are Us, Inc., including its predecessors in interest, corporate parent, subsidiaries, franchisees, affiliates and divisions, partners, and all officers, directors, employees, agents and representatives thereof.

3. "Opposer" means Geoffrey, LLC, including its predecessors in interest, corporate parent, subsidiaries, franchisees, affiliates and divisions, partners, and all officers, directors, employees, agents and representatives thereof.

4. "Person" or "persons" means any natural person, corporation, association, firm, partnership, or other business,

government, or legal entity, including all subsidiaries, affiliates and divisions, and all officers, directors, employees, agents, and representatives.

6. With respect to "use" of the Applicant's Mark (as defined below), such term shall have the meaning set forth in the Lanham Act, 15 U.S.C. § 1051 et seq.

7. "Opposer's Marks" as used herein refers to Opposer's marks including R US, alone and/or in combination with other words and/or designs, unless otherwise stated or is obvious from the context of the Request.

8. "Applicant's Mark" means any inscription, writing, symbol, design, trademark or service mark consisting of or containing the terms "HAIR ARE US" or "HAIR R US" used or owned by Applicant.

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

Requests for Admission

1. Admit that Applicant did not use Applicant's Mark in U.S. interstate commerce on goods or services prior to January 31, 2011.

2. Admit that Applicant has conducted or commissioned a trademark search or clearance search for Applicant's Mark.

3. Admit that Applicant's trademark search for Applicant's Mark revealed one or more of Opposer's Marks.

4. Admit that Applicant was aware of one or more of Opposer's Marks prior to Applicant selecting and adopting Applicant's Mark.

5. Admit that Applicant's customers have, on occasion, spelled Applicant's Mark as "HAIR R US" or "hair r us" on Applicant's social networking pages, including without limitation Facebook, Instagram, and Google+.

6. Admit that at least 12 complaints have been filed with BBB in the last three years according to the webpage available at <http://www.bbb.org/atlanta/business-reviews/hair-products-and-equipment/hair-are-us-in-atlanta-ga-27495661/complaints> against Applicant.

7. Admit that an August 19, 2014 complaint filed with BBB regarding Applicant included the following allegation regarding Applicant's HAIR ARE US goods and/or services:

Hair is very dry and brittle. Not of good quality. Not what is promised to customers. Waste of money.

8. Admit that a May 1, 2015 complaint filed with BBB regarding Applicant included the following allegation regarding Applicant's HAIR ARE US goods and/or services:

Hair are us cancelled my order because they were suspecting fraud but yet they kept \$25 as a cancellation fee . placed and order on 3/5 from the only payment method accepted by hair are us. : PayPal. Prior to making the payment, I updated the billing address for the credit card I was using. 2 days later, I got an email from paypal that's order had been partially refunded. I had paid \$243 and was refunded \$218. After I inquired with the company, they advised me that my order had been cancelled as it was possibly fraudulent but that they kept \$25 as a cancellation fee !!! Per the hair are us policy, credit card and shipping address must be the same and it did ! I did not make the payment out of my bank account. Payment was made from my debit card and the shipping and billing address were exactly the same . I don't think it's legal that a company cancels an order.

9. Admit that a July 14, 2015 complaint filed with BBB regarding Applicant included the following allegation regarding Applicant's HAIR ARE US goods and/or services:

I ordered some hair with this company and they sent me an email back saying that they were refunding my money back because my billing and shipping address does not match. They also informed me that I would be charged a 25 dollar restock fee. There policy is that both the billing and shipping address must match in order for an order to be processed. I am fully aware of there policy since ive been order haie with them for over an year.when placing the order I made sure both my shipping and billing address match. I was even sent a confirmation email which showed both the billing and shipping address match. Ive contacted them through via email explaining the situation and advised them that there was a glitch in there system. They simple

disregarded everything I said and just reinstated there policy. I have the email where it shows both my billing and shipping address match. I simply just want my 25 dollars back because I thinks unfair that im only being refunded partial of money because there is a glitch in there system .Ifthere going to make a policy where they will only accept payments if the billing and shipping address match due to fraud. Then first of all they shouldn't have taken my money out of my account if there going to enforce an policy such as that and on top of that if toy priority is to prevent fraud you shouldn't accept any payments at all if the billing addres ss and shipping address dont match let alone you shouldn't charge someone a 25 dollar restock fee.

10. Admit that an October 12, 2015 complaint filed with BBB regarding Applicant included the following allegation regarding Applicant's HAIR ARE US goods and/or services:

I've been shopping with this hair company for 3 years now and I am very disappointed. I ordered their wavy hair which typically can be worn wet or straight. However when I installed the hair I immediately started losing chunks of hair while my stylist was still sewing in the hair. I immediately contacted the company and have not heard back from them and it has been over three months. The hair is so bad I had to chop it shoulder length and it continues to get tangled. Chunks of hair are constantly in my sink, brush and all over my clothes. I tried deep conditioning the hair and it still gets tangled. Far from the crummy hair that I spent over \$300 on; what bothers me is the countless times I reached out to them and have not received a response. Needless to say, I will not be buy their hair anymore.

11. Admit that a May 30, 2016 complaint filed with BBB regarding Applicant included the following allegation regarding Applicant's HAIR ARE US goods and/or services:

I was charged a \$25 restocking fee for a mistake that had nothing to do with me. Hair are us works in

conjunction with Paypal, and if you are providing a service the customer should be able to ship it to whichever location they deem necessary for them The billing address on both sites matched and the product was requested to be delivered to an address where I could receive it timely. This should not be a problem. But Hair are us is using this as chance to charge customers illegally because they claim Paypal charges them a fee so they have to charge a fee as well.

This is completely unacceptable, and I will let everyone know of this scam by this company. They are cheating customers each time they do this with no remorse for their actions.

I hope the authorities can get involved in this as I can just imagine how many customers have been cheated.

12. Admit that Applicant's R US mark is inherently distinctive.

13. Admit that Applicant's website is located at <<http://hairareus.com/>> (hereinafter, "Applicant's Website").

14. Admit that Applicant advertises its products and services through the Internet, including Applicant's Website.

15. Admit that Applicant has pronounced its mark as "hair-are-us."

16. Admit that Applicant sells hair extensions.

17. Admit that Applicant's target customers pronounce Applicant's Mark as "hair-are-us."

18. Admit that Applicant markets its goods and services under Applicant's Mark to customers and potential customers of toys.

19. Admit that Applicant and Opposer market their goods and services to overlapping customers.

20. Admit that Applicant's Mark is confusingly similar to Opposer's Marks.

21. Admit that Opposer began to use Opposer's Mark before Applicant began to use Applicant's Marks.

22. Admit that Applicant's and Opposer's target customers overlap.

23. Admit that Applicant's previous application for the HAIR ARE US and Design trademark, U.S. Application Serial No. 85/723,673, was abandoned due to judgment by default in Opposition No. 91210675 before the Trademark Trial and Appeal Board.

24. Admit that Applicant's application for the HAIR ARE US word mark, U.S. Application Serial No. 85/725,997, was abandoned due to judgment by default in Opposition No. 91209709 before the Trademark Trial and Appeal Board.

Respectfully Submitted,

BLANK ROME LLP

Date: October 5, 2016

By: /matthew homyk/
Timothy D. Pecsénye
Matthew A. Homyk
One Logan Square
Philadelphia, PA 19103

Attorney for Opposer
Geoffrey, LLC

CERTIFICATE OF SERVICE

I, Matthew A. Homyk, do hereby certify that I have on the 5th day of October, 2016, served via first class mail, the foregoing Opposer's First Set of Requests for Admission to the following individual:

HARRY TAPIAS
LOIGICA PA
2 S BISCAYNE BLVD, STE 3760
MIAMI, FL 33131-1815

/matthew homyk/
Matthew A. Homyk

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

GEOFFREY, LLC,)	
	)	Opposition No. 91221951
Opposer,)	
	)	Appl. No. 86/222,809
v.)	
	)	Filed: March 17, 2014
HAIR ARE US, INC.,)	
	)	Mark: HAIR ARE US & Design
Applicant.)	
)	

**OPPOSER'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Opposer, Geoffrey, LLC (hereinafter, "Opposer"), by and through its attorneys, requests that Hair Are Us, Inc. (hereinafter, "Applicant"), produce for inspection and copying the following documents and things. Such documents and things shall be produced at Blank Rome LLP, One Logan Square, Philadelphia, Pennsylvania 19103, within the time period provided in the Federal Rules.

These Requests are intended to cover all documents and things in the possession of Applicant, or subject to its custody or control, including those in the possession of Applicant's agents and licensees, whether such documents are located in any of Applicant's offices or any other office maintained by Applicant, its agents, attorneys, investigators or licensees.

DEFINITIONS

1. "Document" means all written or printed matter of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise (including without limitation correspondence, memoranda, notes, speeches, press releases, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefaxes, invoices, worksheets, and all drafts, alterations, modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, charts, graphs, videotapes, recordings, and motion pictures) and electronic, mechanical or electric records or representations of any kind (including without limitation tapes, cassettes, discs, and recordings). A draft or non-identical copy is a separate document within the meaning of this term.

2. "Applicant" means Hair Are Us, Inc., including its predecessors in interest, corporate parent, subsidiaries, franchisees, affiliates and divisions, partners, and all

officers, directors, employees, agents and representatives thereof.

3. "Opposer" means Geoffrey, LLC, including its predecessors in interest, corporate parent, subsidiaries, franchisees, affiliates and divisions, partners, and all officers, directors, employees, agents and representatives thereof.

4. "Media," in addition to its customary and usual meaning, means newspapers, magazines, television, internet, and radio and anyone associated therewith.

5. "Opposer's Marks" as used herein refers to Opposer's marks including R US, alone and/or in combination with other words and/or designs, unless otherwise stated or is obvious from the context of the Request.

6. "Applicant's Mark" means any inscription, writing, symbol, design, trademark or service mark consisting of or containing the term "HAIR ARE US" or "HAIR R US" used or owned by Applicant.

7. "Confusion" and "likelihood of confusion," in addition to their usual and customary meaning, shall have the meanings ascribed to them by the Trademark Act, Section 2(d), 15 U.S.C. § 1052(d).

8. "Person" or "persons" means any natural person, corporation, association, firm, partnership, or other business, government, or legal entity, including all subsidiaries, affiliates and divisions, and all officers, directors, employees, agents, and representatives.

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

10. "You" or "your" means Applicant, as defined hereinabove. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

INSTRUCTIONS

1. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, all documents produced for inspection shall be produced as they are kept in the usual course of business, and each document so produced shall be organized in a manner that clearly corresponds to the Request set forth herein.

2. If Applicant has withheld any information or document requested based upon any privilege including that of attorney-client or attorney work product:

(a) identify the privilege;

(b) identify the date of the document or date on which the information was communicated;

(c) identify the originator of the document or communicator of the information, the person to whom the document was addressed or information was transmitted and all persons who received the documents or information; and

(d) describe the type of document or information transmitted and the subject matter to which it pertains.

3. Applicant shall produce responsive documents within its possession, custody or control and within the possession, custody or control of its agents, attorneys or representatives.

4. If a document requested was, but no longer is, in the possession, custody, or control of Applicant, explain whether the document is missing or lost, has been destroyed, has been transferred to another person, or has been disposed of in some other manner. Also, explain the manner of such disposition, give the date or approximate date of such disposition, and provide the name and last known residence and business address of each person with knowledge of the circumstances surrounding such disposition.

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

6. This request shall be deemed continuing, so as to require further and supplemental production promptly if Applicant receives, locates or generates additional documents called for herein between the time of original production and the entry of judgment in this action.

DOCUMENTS REQUESTED

1. All documents identified in Applicant's Responses to Opposer's First Set of Interrogatories.

2. All documents which refer or relate to the selection, adoption, first use, acquisition, and ownership by Applicant of Applicant's Mark.

3. All documents which refer or relate to the significance or meaning of Applicant's mark.

4. All documents which refer or relate to Applicant's annual sales of its products or services identified by Applicant's mark, from the date of first sale to the present.

5. All documents which refer or relate to surveys, marketing studies, focus group studies or polls which relate to Applicant's Mark.

6. All documents which refer or relate to instances of actual confusion, or the absence of such confusion, between Applicant's Mark and Opposer's Marks.

7. All documents which refer or relate to the likelihood of confusion, or the absence of such confusion, between Applicant's Mark and Opposer's Marks.

8. All documents and things relating to Applicant's Mark and its use, advertisement, promotion, or display since the date of first use.

9. All documents sufficient to evidence Applicant's annual expenditures on advertising, promotion, and marketing for each product or service identified in response to Interrogatory No. 9 since the date of first use of Applicant's Mark.

10 All documents relating to the registration of any domain name associated with Applicant's Mark.

11. All documents concerning any application by or on behalf of Applicant to register Applicant's Mark as a trademark or service mark in the United States Patent and Trademark Office or with any other state or political entity.

12. All documents concerning any communication with the media, whether written or oral, concerning Applicant's Mark or Opposer's Marks.

13. Samples of all labels, tags, stickers, containers, packages, goods, signs, photographs, brochures, marketing and promotional materials, radio and television scripts, radio and television audio or video tapes, and advertisements used by Applicant in connection with the sale or provision of goods and/or services bearing Applicant's Mark.

14. Samples of all labels, tags, stickers, containers, packages, goods, signs, photographs, brochures, marketing and promotional materials, radio and television scripts, radio and television audio or video tapes, and advertisements used by third parties by license, authorization, or permission from Applicant in connection with the sale or provision of goods and/or services bearing Applicant's Mark.

15. All documents reflecting Applicant's awareness or knowledge of Opposer's use of Opposer's Marks.

16. All documents relating or referring to an opinion of counsel as to the availability or registrability of Applicant's Mark.

17. All pleadings relating to prior, pending or disposed of actions or proceedings regarding Applicant's Mark in which Applicant is or was a party.

18. To the extent that Applicant contends Applicant's Mark has been in continuous use since its first use, all documents evidencing or establishing such continuous use. If Applicant's Mark has not been in continuous use, all documents evidencing any interruption in use.

19. All documents which refer or relate to any agreement in which Applicant has granted a third party the right to use Applicant's Mark.

20. All documents other than those previously identified in response to the foregoing requests upon which Applicant may rely in connection with the instant proceeding.

Respectfully Submitted,

BLANK ROME LLP

Date: October 5, 2016

By: /matthew homyk/
Timothy D. Pecsénye
Megan E. Spitz
Matthew A. Homyk
One Logan Square
Philadelphia, PA 19103

Attorneys for Opposer
Geoffrey, LLC

CERTIFICATE OF SERVICE

I, Matthew A. Homyk, do hereby certify that I have on the 5th day of October, 2016, served via first class mail, the foregoing Opposer's First Set of Requests for Production of Documents and Things to the following individual:

HARRY TAPIAS
LOIGICA PA
2 S BISCAYNE BLVD, STE 3760
MIAMI, FL 33131-1815

/matthew homyk/
Matthew A. Homyk