

ESTTA Tracking number: **ESTTA764141**

Filing date: **08/12/2016**

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

Proceeding	91224783
Party	Defendant Badih Khamis
Correspondence Address	BADIIH KHAMIS 6395 COTE DE LIESSE MONTREAL, QC H4T 1E5 CANADA bkhamis@linendepotdirect.com, bobkhamis@gmail.com, opt@marimacgroup.com
Submission	Answer
Filer's Name	Badih Khamis
Filer's e-mail	opt@marimacgroup.com, bobkhamis@gmail.com
Signature	/Badih Khamis/
Date	08/12/2016
Attachments	Email regarding answer to opposition.pdf(300914 bytes ) Answer to Opposition 2.pdf(1022146 bytes )

**From:** Bob Khamis [<mailto:khamis@marimac.com>]  
**Sent:** August-12-16 10:51 AM  
**To:** 'Leonard, Michael J.'  
**Cc:** 'Olszyk, Jr, Christopher D.'; 'Bob Khamis'  
**Subject:** RE: U.S. Trademark Application for NAKED UNDERNEATH; Applicant: Khamis, Badih; Opposition: 91224783; Our Ref.: 134564.00015

Mr. Leonard,

Thank you for your cooperation, please find enclosed the first part of your request.

Reply to Interrogatories are enclosed and all replies are on the form you provided with each Interrogatory Response in Blue.

I hope this format is satisfactory to you, it is the most efficient and effective way.

Please do not hesitate to call me with any question you may have.

The second part will follow shortly.

Thank you,

Bob Khamis  
514-992-8833

**From:** Leonard, Michael J. [<mailto:mleonard@foxrothschild.com>]  
**Sent:** August-04-16 4:58 PM  
**To:** Bob Khamis  
**Cc:** [bkhamis@linendepotdirect.com](mailto:bkhamis@linendepotdirect.com); Bob Khamis; Olszyk, Jr, Christopher D.  
**Subject:** RE: U.S. Trademark Application for NAKED UNDERNEATH; Applicant: Khamis, Badih; Opposition: 91224783; Our Ref.: 134564.00015

Mr. Khamis,

I must advise that we are unwilling to provide any further extension of time beyond the 15<sup>th</sup> of August. As a courtesy to you, we have already provided you with over 30 additional days to respond to our clients' Requests and we simply cannot permit any further delay.

If you have retained a US attorney, please provide me with their contact information as I am ethically obligated to communicate directly with your US attorney once I have been formally instructed that you have retained US counsel.

We look forward to receiving your Responses by the close of business of 15 August 2016.

Sincerely,

Michael Leonard

Michael Leonard  
**Fox Rothschild LLP**  
2000 Market Street, 20th Floor  
Philadelphia, PA 19103-3222  
215.299.2085 - direct  
[mleonard@foxrothschild.com](mailto:mleonard@foxrothschild.com)

**From:** Bob Khamis [<mailto:bobkhamis@gmail.com>]  
**Sent:** Wednesday, August 03, 2016 11:16 PM  
**To:** Leonard, Michael J.  
**Cc:** [bkhamis@linendepotdirect.com](mailto:bkhamis@linendepotdirect.com); Bob Khamis; Olszyk, Jr, Christopher D.  
**Subject:** Re: U.S. Trademark Application for NAKED UNDERNEATH; Applicant: Khamis, Badih; Opposition: 91224783; Our Ref.: 134564.00015

Thank you for the extension, I appreciate your cooperation, this is my busiest season of the year. I apologize for the request but it may be necessary to extend to the end of the month. I am in discussions with a New York lawyer that may represent me in this matter. In addition, I am sourcing the information requested.

I will be in touch when I return to Canada.

Thank you

Sent from my iPhone

On Aug 3, 2016, at 6:15 PM, Leonard, Michael J. <[mleonard@foxrothschild.com](mailto:mleonard@foxrothschild.com)> wrote:

Mr. Khamis,

We are in receipt of your correspondence. As a courtesy to you, we will extend your final deadline for responding to our client's Discovery Requests until 15 August 2016.

Sincerely,  
Michael Leonard

Michael Leonard  
**Fox Rothschild LLP**  
215.299.2085 - direct  
[mleonard@foxrothschild.com](mailto:mleonard@foxrothschild.com)

**From:** Bob Khamis [<mailto:bobkhamis@gmail.com>]  
**Sent:** Wednesday, August 03, 2016 3:32 PM  
**To:** Schwinn, June  
**Cc:** [bkhamis@linendepotdirect.com](mailto:bkhamis@linendepotdirect.com); Leonard, Michael J.; Bob Khamis  
**Subject:** Re: U.S. Trademark Application for NAKED UNDERNEATH; Applicant: Khamis, Badih; Opposition: 91224783; Our Ref.: 134564.00015

Please note that I am traveling out of Canada until August 8th, 2016.

Sent from my iPhone

On Aug 3, 2016, at 12:21 PM, Schwinn, June <[jschwinn@foxrothschild.com](mailto:jschwinn@foxrothschild.com)> wrote:

Dear Mr. Khamis:

Please see the attached correspondence from Michael J. Leonard. The original will follow by first class mail.

**June A. Schwinn**

Legal Administrative Assistant to  
Michael J. Leonard, Esq.  
Christopher D. Olszyk, Jr., Esq.  
Ryan N. Miller, Esq.

**Fox Rothschild LLP**

2000 Market Street  
20th Floor  
Philadelphia, PA 19103-3222  
(215) 299-2075 - direct  
(215) 299-2150 - fax  
[jschwinn@foxrothschild.com](mailto:jschwinn@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

This e-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Individual(s) named above. If you are not the intended recipient of this e-mail, or the employee or agent responsible for delivering this to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (215)-299-2167 or notify us by e-mail at [helpdesk@foxrothschild.com](mailto:helpdesk@foxrothschild.com). Also, please mail a hardcopy of the e-mail to Fox Rothschild LLP, 2000 Market Street, Philadelphia PA 19103-3222 via the U.S. Postal Service. We will reimburse you for all expenses incurred. Thank you.

<41582449\_1\_2016 08-03 Discovery Deficiency Letter-C1.pdf>

<41582520\_1\_2016 06-07 Email re Opposition to Registration of NAKED UNDER...-C1.pdf>

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This e-mail contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Individual(s) named above. If you are not the intended recipient of this e-mail, or the employee or agent responsible for delivering this to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at (215)-299-2167 or notify us by e-mail at [helpdesk@foxrothschild.com](mailto:helpdesk@foxrothschild.com). Also, please mail a hardcopy of the e-mail to Fox Rothschild LLP, 2000 Market Street, Philadelphia PA 19103-3222 via the U.S. Postal Service. We will reimburse you for all expenses incurred. Thank you.

## Schwinn, June

---

**From:** Leonard, Michael J.  
**Sent:** Tuesday, June 07, 2016 2:08 PM  
**To:** Bob Khamis  
**Subject:** RE: Opposition to Registration of NAKED UNDERNEATH trademark in the United States  
**Attachments:** 40746306\_1\_2016-06-07 Interrogatories-C1.PDF; 40746293\_1\_2016-06-07 Request for Documents-C1.PDF

Dear Mr. Khamis,

Please find attached a courtesy copy of Opposer's Interrogatories and Requests for Production of Documents. Your formal service copy is being sent to you via Airmail.

In accordance with the requirements of the U.S. Trademark Trial and Appeal Board, your written responses must be sent to us within 35 days. Please note that your failure to respond can result in our client's filing of a Motion compelling your responses with the Trademark Trial and Appeal Board.

Please let us know if you have any questions.

Regards,  
Michael Leonard

Michael Leonard  
Fox Rothschild LLP  
2000 Market Street, 20th Floor  
Philadelphia, PA 19103-3222  
215.299.2085 - direct  
[mleonard@foxrothschild.com](mailto:mleonard@foxrothschild.com)



of Applicant. Each comment, or addition to, or deletion from, a document shall constitute a separate document.

B. If Applicant refuses to identify and/or produce any document(s) based upon a claim of confidentiality, privilege, or work product immunity, Applicant shall, in log form, (i) identify each document by its author, intended recipient(s), the date of the document, and its general subject matter, and (ii) set forth for each withheld document the particular basis for the refusal of production.

C. As used herein, the phrases "Opposer's NAKED Goods" or "Opposer's Goods" shall refer to those goods offered, advertised, and/or sold in connection with the NAKED trademark which is the subject of Registration No. 3,669,650.

D. As used herein, the phrase "Applicant's NAKED UNDERNEATH Goods" or "Applicant's Goods" shall refer to those goods offered, advertised, and/or sold in connection with the NAKED UNDERNEATH trademark which is the subject of Application Serial No. 86/063139.

E. As used herein, the term "regarding" means relating or referring to, incorporating, comprising, touching upon, indicating, evidencing, affirming, denying, concerned with, relevant to, or likely to lead to admissible evidence concerning.

F. As used herein, the term "Opposer's Marks" shall refer to the NAKED trademarks set forth in Paragraphs 5, 7 & 8 of the Notice of Opposition.

G. As used herein, the term "Applicant's Mark" shall mean the NAKED UNDERNEATH trademark of Application Serial No. 86/063139.

## INTERROGATORIES

### INTERROGATORY NO. 1

State the address of each location at which Applicant (or any corporate affiliate of or related company to Applicant) maintains a place of business for the development, promotion, and/or sale of Applicant's Goods under the NAKED UNDERNEATH trademark.

RESPONSE: 6395 Cote de Liesse (Head Office), Montreal, Quebec, Canada, H4T 1E5.

### INTERROGATORY NO. 2

Identify (by name and title) each of Applicant's supervisory employees who have knowledge of the development, promotion, and/or sale of Applicant's Goods under the NAKED UNDERNEATH trademark.

RESPONSE: Badih Khamis (Bob Khamis) President, owner.

### INTERROGATORY NO. 3

Identify the person(s) who first conceived of Applicant's NAKED UNDERNEATH Mark for use by Applicant.

RESPONSE: Badih Khamis (Bob Khamis) in 1993.

### INTERROGATORY NO. 4

Identify, by common commercial descriptive name, each product intended to be offered for sale in connection with Applicant's NAKED UNDERNEATH Mark in the United States.

RESPONSE: T-shirts and sweatshirts - (mainly) to start  
Underwear - (possibly)  
& possibly other clothing articles  
Also sheet sets, pillows & possibly other bedding items

INTERROGATORY NO. 5

Identify, by common commercial descriptive name, each product offered for sale in connection with Applicant's NAKED UNDERNEATH Mark in the United States.

RESPONSE: N/A - meaning Not Applicable - no products are offered for sale in the United States presently.

INTERROGATORY NO. 6

For each product used in connection with Applicant's NAKED UNDERNEATH mark, state the date of first use anywhere and specify the details and circumstances of such first use.

RESPONSE: 1993 in Montreal Quebec and surrounding areas, T-shirts and sweatshirts sold in public sales & special events, also in Ottawa, Ontario & surrounding areas.

INTERROGATORY NO. 7

For each product used in connection with Applicant's NAKED UNDERNEATH mark, state the date of first use in commerce of, specify the details and circumstances of such first use in commerce and state whether the mark is currently being used on any such products. If the mark is no longer in use on any products, state when the most recent use of the mark occurred.

RESPONSE: First use was in the summer of 1993 on T-shirts and sweatshirts  
Mark is in use presently on samples and for product development  
Last use of product was in 1998.

INTERROGATORY NO. 8

For each product identified in Interrogatory No. 5, state, by calendar quarter, the dollar volume budgeted and expended by Applicant to promote Applicant's NAKED UNDERNEATH Mark in commerce in connection therewith.

RESPONSE: N/A

INTERROGATORY NO. 9

For each product identified in Interrogatory No. 5, state, by calendar quarter, the income anticipated and/or received to date from the sale of said products bearing Applicant's NAKED UNDERNEATH Mark.

RESPONSE: N/A

INTERROGATORY NO. 10

For each product identified in Interrogatory No. 5, state the price(s) charged or anticipated to be charged to customers for each product bearing Applicant's NAKED UNDERNEATH Mark.

RESPONSE: N/A - In development stages

INTERROGATORY NO. 11

Identify representative examples of each different promotional document and item used and being considered for use by Applicant in connection with the promotion and sale of Applicant's Goods under Applicant's NAKED UNDERNEATH Mark.

RESPONSE: N/A - None at this time

INTERROGATORY NO. 12

Identify those investigations or searches (of any type) conducted by or on behalf of Applicant in connection with its decision to adopt, use, or apply for Federal registration of Applicant's NAKED UNDERNEATH Mark in the United States.

RESPONSE: Internet research of multiple websites.

INTERROGATORY NO. 13

State whether Applicant had knowledge of Opposer's use of Opposer's Marks prior to Applicant's decision to adopt, use, or apply for Federal registration of Applicant's NAKED UNDERNEATH Mark in the United States.

RESPONSE: None whatsoever as original state in emailed dated October 15th, 2015 to Michael Leonard. Applicant had NO knowledge of opposer and opposer's marks.

INTERROGATORY NO. 14

State whether Applicant had knowledge of U.S. Registration No. 3,669,650 for NAKED prior to Applicant's decision to adopt, use or apply for Federal registration of Applicant's NAKED UNDERNEATH Mark in the United States.

RESPONSE: None whatsoever as original state in emailed dated October 15th, 2015 to Michael Leonard. Applicant had no knowledge of opposer and opposer's marks.

INTERROGATORY NO. 15

If Applicant had prior knowledge of Opposer's U.S. Registration No. 3,669,650 for NAKED, state whether Applicant considered the issue of, and/or received any opinions concerning, a likelihood of confusion between Opposer's NAKED UNDERNEATH Mark and Applicant's NAKED Mark.

RESPONSE: N/A - None whatsoever.

INTERROGATORY NO. 16

Identify (by title, publisher, issue date, page number, and any other relevant designation), those printed and electronic publications (including web pages) in which Applicant has promoted or plans to promote Applicant's Goods in commerce in connection with Applicant's NAKED UNDERNEATH Mark.

RESPONSE: [Domain name nakedunderneath.ca was acquired.](#)

INTERROGATORY NO. 17

Identify (by name, date and location) those trade shows or fairs in the United States which Applicant has organized, promoted, and/or in which it has participated, or in which Applicant intends to organize, promote and/or in which it intends to participate, in connection with Applicant's NAKED UNDERNEATH Mark.

RESPONSE: [N/A - None at this time, presently in development stages.](#)

INTERROGATORY NO. 18

Identify any market research (including surveys, studies, investigations and focus group inquiries) conducted by or on behalf of Applicant in the United States regarding Applicant's NAKED UNDERNEATH Mark or Opposer's Marks

RESPONSE: [N/A - None.](#)

INTERROGATORY NO. 19

Identify those persons having the most knowledge of any market research (including surveys, studies, investigations and focus group inquiries) conducted by or on behalf of Applicant in the United States regarding Applicant's NAKED UNDERNEATH Mark or Opposer's Marks.

RESPONSE:           N/A - None, other than Applicant.

INTERROGATORY NO. 20

Identify each reported instance of actual confusion, mistake, or deception known to Applicant between Applicant's Goods promoted or sold in connection with Applicant's NAKED UNDERNEATH Mark in the United States and Opposer's products promoted or sold in connection with Opposer's Marks in the United States.

RESPONSE:           N/A - None.

INTERROGATORY NO. 21

For each instance of actual confusion identified in the answer to the previous interrogatory, identify all persons with knowledge of each such instance.

RESPONSE:           N/A - None.

INTERROGATORY NO. 22

Identify any agreements (such as, assignments, licenses, authorizations, permissions, or consents) entered into by Applicant, or negotiated by Applicant but not consummated, regarding the use of Applicant's NAKED UNDERNEATH Mark in commerce.

RESPONSE: N/A - None at this time.  
In development stages.

INTERROGATORY NO. 23

State whether Applicant has entered into any agreements with any other entities to undertake the production and/or distribution of goods bearing Applicant's NAKED UNDERNEATH mark on behalf of Applicant.

RESPONSE: N/A - No agreements or undertakings at this time.

INTERROGATORY NO. 24

Identify the channels of distribution and the geographical areas of trade in the United States within which Applicant's Goods are or are intended to be promoted and/or sold in commerce in connection with Applicant's NAKED UNDERNEATH Mark.

RESPONSE: Sales are intended to be primarily on the internet.  
No distribution channels are active at this time.

INTERROGATORY NO. 25

Identify each person or agency that has participated in the creation or distribution of advertisements or promotional items in the United States for Applicant's Goods in connection with Applicant's NAKED UNDERNEATH Mark, and the period of time during which each such person or agency has participated.

RESPONSE: N/A - None.

INTERROGATORY NO. 26

Explain the intended meaning of Applicant's NAKED UNDERNEATH Mark to Applicant's targeted customers and potential customers.

RESPONSE: A comical phrase that describes the truth of a garment worn by an individual or covered by an individual, more or less a play on words.

INTERROGATORY NO. 27

State the basis for the *bona fides* of Applicant's intent to use Applicant's NAKED UNDERNEATH mark in commerce on the date Badih Khamis signed the application which ultimately was assigned Serial No. 86/063139 by the U.S. Patent and Trademark Office.

RESPONSE: Applicant wanted to trademark the name he created at an early age to possibly develop profitable commerce in the future.

INTERROGATORY NO. 28

Identify the types of consumers to whom Applicant promotes and/or sells products bearing Applicant's NAKED UNDERNEATH Mark or to whom Applicant intends to promote and/or sell products bearing Applicant's NAKED UNDERNEATH Mark.

RESPONSE: Intended for lower and middle classes who use the internet to purchase goods online through retail websites such as Groupon.

INTERROGATORY NO. 29

Provide the identities of establishments which carry, promote or sell products bearing Applicant's Mark.

RESPONSE: N/A - None at this time.

INTERROGATORY NO. 30

Identify any person who expressed reservations about the adoption of Applicant's Mark for use as a trademark and state the substance of the reservations expressed.

RESPONSE: Several persons would consider selling products with the Applicant's mark, no reservations were expressed at all.

INTERROGATORY NO. 31

Identify each person who has supplied documents or information for, or who has participated in responding to, these Interrogatories and Opposer's First Request for Production of Documents and Things.

RESPONSE: Badih Khamis and Natalie-Aston Harris.

INTERROGATORY NO. 32

Identify all trademarks or names of products or services that include the word "naked" or any derivative thereof that Applicant has used in connection with its business, and for each trademark or name state when and how Applicant first used the trademark or name in commerce and in connection with what goods and services.

RESPONSE: N/A - None.

INTERROGATORY NO. 33

For each trademark or name identified in response to Interrogatory No. 33, identify when and by whom each mark was developed and proposed for use, what clearance process was performed for each trademark and who performed it, and which other uses of "NAKED" in any form were revealed in the course of each such clearance process.

RESPONSE: N/A - None.

INTERROGATORY NO. 33

Identify the manufacturer(s) of each product advertised, marketed, promoted, sold, or offered for sale in connection with the NAKED UNDERNEATH Mark.

RESPONSE: N/A - None.

Respectfully submitted,

Date: 7 June 2016

By: /michael leonard./  
Michael J. Leonard  
Gerard P. Norton  
Christopher D. Olszyk, Jr.

FOX ROTHSCHILD LLP  
997 Lenox Avenue, Building 3  
Lawrenceville, NJ 08648-2311  
*ipdocket@foxrothschild.com*

*Attorneys for Opposer-Respondent  
Naked Brand Group Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing First Set of Opposer's Interrogatories was served on Applicant this 7<sup>th</sup> day of June 2016 by sending same via electronic mail and AirMail, postage prepaid, to:

Badih Khamis  
820 38th Avenue,  
Lachine, Quebec H8T2C3  
Canada  
[khamis@marimac.com](mailto:khamis@marimac.com)

By:     /michael leonard./

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

<b>NAKED BRAND GROUP, INC.</b>	)	
	)	
Opposer	)	
	)	Opposition No. 91224783
-v-	)	
	)	
<b>KHAMIS, BADIH</b>	)	
	)	
Applicant	)	
	)	
	)	
	)	

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**OPPOSER'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS AND THINGS**

Opposer, Naked Brand Group, Inc. ("Opposer"), hereby requests, pursuant to Rule 34, Fed.R.Civ.P., and Trademark Rules 2.116(a) and 2.120(d)(2), that Applicant, Badih Khamis ("Applicant"), produce the documents and things listed below for inspection and copying, and that said production be made accompanying Plaintiff's service of its responses to this Request upon Opposer at the offices of Fox Rothschild LLP, 2000 Market Street, 20<sup>th</sup> Floor, Philadelphia, PA 19103.

**DEFINITIONS AND INSTRUCTIONS**

A. The definitions and instructions contained in Opposer's First Set of Interrogatories (the "interrogatories") are incorporated herein by reference.

B. With respect to any document requested below for which a claim of privilege, work product or confidentiality is made, specify (in log form) the nature of the document, identify by name, address, title and business affiliation, the writer, the addressee and all

recipients thereof, and set forth the general subject matter to which the document relates, and its date.

C. Applicant shall separately identify the Request by number pursuant to which document or thing is produced.

D. A written response to this Request is required pursuant to Rule 34, Fed.R.Civ.P.

### REQUESTS

1. Produce representative specimens of current and proposed labels, packaging, advertising and promotional documents and electronic media bearing Applicant's NAKED UNDERNEATH Mark used or to be used by or on behalf of Applicant in commerce.

2. Produce those documents and things regarding the creation, selection, and adoption of Applicant's NAKED UNDERNEATH Mark by or on behalf of Applicant.

3. Produce those documents regarding any investigation, such as, a service mark, trademark, trade name, Internet name, or corporate name search concerning the adoption, use in the United States or application for Federal registration of Applicant's NAKED UNDERNEATH Mark.

4. Produce those documents and things regarding the earliest use anywhere, and the earliest use in commerce, of Applicant's NAKED UNDERNEATH Mark by or on behalf of Applicant or any related company(ies).

5. Produce those documents and things demonstrating the type(s) of goods in connection with which Applicant's NAKED UNDERNEATH Mark has been used or is proposed to be used in commerce.

6. Produce those documents regarding the geographical areas and channels of trade in which Applicant's NAKED UNDERNEATH Mark has been used or is proposed to be used in commerce.

7. Produce those documents regarding any assignment, consent, authorization, license or permission between Applicant and any individual(s) or entity(ies) to use Applicant's NAKED UNDERNEATH Mark in commerce, including any modifications made thereto.

8. Produce representative specimens of each different item of advertising or promotional materials for Applicant's Goods bearing Applicant's NAKED UNDERNEATH Mark, including the prototypes, drafts and sketches for said advertising and promotional materials and those documents regarding the design and/or creation of said advertising and promotional materials.

9. Produce those documents regarding each printed and electronic media publication in which Applicant has advertised or promoted, is advertising or promoting, or plans to advertise or promote its goods in connection with Applicant's NAKED UNDERNEATH Mark in commerce.

10. Produce those documents regarding the types of customers with whom Applicant does or intends to do business, and the ultimate consumers to whom Applicant offers or intends to offer Applicant's Goods bearing Applicant's NAKED UNDERNEATH Mark in commerce.

11. Produce those documents regarding the dollar value of Applicant's actual and/or projected sales of goods bearing Applicant's NAKED UNDERNEATH Mark in commerce since the date of first use of the mark.

12. Produce those documents regarding the amount of money expended and/or budgeted by Applicant to promote goods bearing Applicant's NAKED UNDERNEATH Mark in commerce since the date of first use of the mark.

13. Produce those documents regarding the date and circumstances under which Applicant first became aware of the use or registration of Opposer's Marks.

14. Produce copies of any surveys, market research tests, demographic or consumer profile studies, and focus group inquiries regarding the ultimate purchasers or potential ultimate purchasers of Applicant's Goods actually sold or intended to be sold, offered, advertised or promoted under Applicants NAKED UNDERNEATH Mark in commerce, including the results thereof.

15. Produce copies of any comparison studies, surveys, market research tests, and those documents regarding thereto, including the results thereof, concerning the goods advertised, promoted, distributed, and sold in connection with Applicant's NAKED UNDERNEATH Mark in commerce and the products advertised, promoted, distributed, and sold in connection with Opposer's Marks in commerce, including, but not limited to, those relating to confusion or likelihood of confusion between Applicant's goods and Opposer's products.

16. Produce those documents regarding any instance occurring in which a person has held or may have held a belief or understanding as to the existence or non-existence of any relationship, connection or affiliation between Opposer and Applicant.

17. Produce those documents regarding any instance occurring in the United States in which a person has been confused, mistaken, or deceived as to the source of Applicant's Goods advertised, promoted, offered and/or sold under Applicant's NAKED UNDERNEATH Mark, and

the source of Opposer's products advertised, promoted, offered for sale, or sold under Opposer's Marks.

18. Produce those documents, not otherwise requested herein, and referred to by Applicant in responding to the interrogatories.

Respectfully submitted,

NAKED BRAND GROUP, INC.

Date: 7 June 2016

By: /michael leonard/  
Michael J. Leonard, Esq.  
Gerard P. Norton  
Christopher D. Olszyk, Jr., Esq.  
FOX ROTHSCHILD LLP  
997 Lenox Drive, Building 3  
Lawrenceville, NJ 08648-2311

*Attorneys for Opposer Naked Brand Group, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS** was served on Applicant, this 7<sup>th</sup> day of June 2016, by sending same via email and postage prepaid Airmail, to:

Badih Khamis  
820 38th Avenue,  
Lachine, Quebec H8T2C3  
Canada  
[khamis@marimac.com](mailto:khamis@marimac.com)

/michael leonard/