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Filing date: **04/14/2010**

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

Proceeding	92042082
Party	Plaintiff Four Seasons Dairy, Inc.
Correspondence Address	SAMUEL FRIEDMAN 225 BROADWAY, SUITE 1804 NEW YORK, NY 10007 UNITED STATES samfriedman@verizon.net
Submission	Testimony For Plaintiff
Filer's Name	Samuel Friedman
Filer's e-mail	samfriedman@verizon.net
Signature	/Samuel Friedman/
Date	04/14/2010
Attachments	PETITIONER'S TESTIMONIAL DEPOSITION OF ARIE ZURINAM 4-18-08 & EXS.pdf ( 94 pages )(1211724 bytes )

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

In the Matter of Registration No. 2,479,287  
Issued on August 21, 2001

FOUR SEASONS DAIRY, INC.,

Petitioner,

- against -

INTERNATIONAL GOLD STAR  
TRADING CORP.,

Registrant

Cancellation No.: 92042082

Mark: BABUSHKA'S RECIPE

Reg. No. 2,479,287

Filed: December 7, 1999

Issued: August 21, 2001

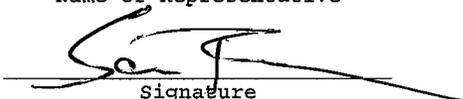
I hereby certify that this correspondence is being filed with the Trademark Trial and Appeal Board through use of the Electronic System for Trademark Trials and Appeals (ESTTA)

April 14, 2010

(Date of Electronic Filing)

Samuel Friedman

Name of Representative



Signature

April 14, 2010

Date of Signature

**PETITIONER'S NOTICE OF FILING TESTIMONIAL DEPOSITION OF  
ARIE ZURINAM OF APRIL 18, 2008 AND RELATED EXHIBITS**

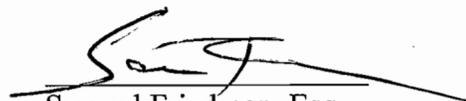
Petitioner, Four Seasons Dairy, Inc., pursuant to 37 C.F.R. §§ 2.123 and 2.125, gives notice of electronic filing of the certified transcript of the testimonial deposition of Arie Zurinam, taken on April 18, 2008, together with the accompanying exhibits, namely Petitioner's Trial Exhibits Nos. 1, 4, 7 and 13; and Respondent's Trial Exhibit No. 2.

True copies of the transcript and exhibits were previously served on counsel for

Registrant on May 16, 2008.

Dated: April 14, 2010  
New York, New York

Respectfully submitted,

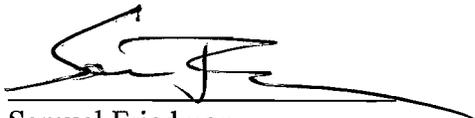
A handwritten signature in black ink, appearing to read 'S. Friedman', is written over a horizontal line.

Samuel Friedman, Esq.  
225 Broadway, Suite 1804  
New York, New York 10007  
Tel: (212) 267-2900  
Attorney for Petitioner  
FOUR SEASONS DAIRY, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Petitioner's Notice of Filing Testimonial Deposition of Arie Zurinam in Cancellation Proceeding No. 92042082 entitled Four Seasons Dairy, Inc. v. International Gold Star Trading Corp., was, pursuant to stipulation served by email on counsel for Registrant, addressed as follows:

Roger S. Thompson  
Cohen, Pontani, Lieberman & Pavane  
551 Fifth Avenue  
New York, New York 10176  
Email: rthompson@cplplaw.com.

  
Samuel Friedman

April 14, 2010  
Date

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**ORIGINAL**

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

-----x

In the Matter of the Registration  
No. 2,479,287

-----x

FOUR SEASONS DAIRY, INC.,

Petitioner,

-against-

INTERNATIONAL GOLD STAR TRADING GROUP,

Registrant.

-----x

April 18, 2008  
10:00 a.m.

Deposition of ARIE ZURINAM, pursuant  
to Notice, at the offices of QUICK GRAPHICS,  
INC., 6308 Bay Parkway, Brooklyn, New York  
11204, before Stephen Kleinman, a Notary  
Public within and for the State of New York.

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A P P E A R A N C E S :

SAMUEL FRIEDMAN, ESQ.

Attorney for Petitioner

225 Broadway suite 1804

New York, New York 10007

COHEN, PONTANI, LIEBERMAN & PAVANE, LLP

Attorneys for Registrant

551 Fifth Avenue

New York, New York 10176

BY: ROGER S. THOMPSON, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by  
and between the attorneys for the respective  
parties hereto that all objections, except as  
to form, shall be reserved to the time of  
trial.

IT IS FURTHER STIPULATED AND AGREED  
that the sealing and filing of the within  
deposition are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that the within deposition may be subscribed  
and sworn to by the witness being examined  
before a Notary Public other than the Notary  
Public before whom this deposition was begun.

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A R I E    Z U R I N A M    , called as a  
witness, having been duly sworn by  
a Notary Public, stated his address  
as 6308 Bay Parkway, Brooklyn,  
New York 11204, was examined and  
testified as follows:

EXAMINATION BY

MR. FRIEDMAN:

MR. FRIEDMAN: Counsel have  
conferred and we have agreed upon the  
usual stipulations, that all  
objections except as to the form of  
the question are reserved until the  
time of trial, that the transcript may  
be signed before any notary and that  
counsel for petitioner will keep  
custody of any original deposition  
exhibits.

MR. THOMPSON: So agreed

Q. Good morning, Mr. Zurinam. My  
name is Samuel Friedman. I am the lawyer for  
Four Seasons Dairy.

During the deposition today, I

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A. Since, in this place, since '95.

Q. In this location?

A. In this location.

Q. Okay. And before this, were you in a different location with the same business?

A. Yeah. I opened the business in 1993. We were on West Sixth Street.

Q. From 1995 until today, have you remained continuously the owner of this business?

A. Yes, I did.

Q. And as owner of this business, could you speak previously as to the duties and responsibilities as owner? What do you do?

A. I'm speaking to the customers, doing some of the printing and I am mostly like, usually I did do the design for complicated stuff, and basically that's it.

Q. As owner, are you in charge over all of the operations?

A. Yes.

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1  
2 Q. Okay. Did there come a time  
3 that you started or your company started  
4 doing business for Alex Bekker and Oleg  
5 Kessler?

6 A. Yeah, we did.

7 Q. Okay. Around or about what  
8 time period was it that you started doing  
9 work for them?

10 A. Around 1996, maybe the end of  
11 '95, '96.

12 Q. And what is the basis for your  
13 knowing that?

14 A. When we opened up over here,  
15 they were one of our -- one of the first  
16 customers in this location. So it was like  
17 really close to the end of '95 or the  
18 beginning of '96.

19 Q. What kind of work did you start  
20 doing for Alex Bekker and Oleg Kessler at or  
21 around that time period?

22 A. We did design for labels,  
23 different shapes, different colors, different  
24 sizes. I mean we did a lot of labels for  
25 them, different styles. Some of them we

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get it for you.

Q. I am going to show you a document that previously marked as Petitioner's 1 at a deposition of April 10, 2008.

I am asking you, Mr. Zurinam, can you identify what you say see in that exhibit?

A. Yes, I do.

Q. What is it?

A. Babushkino 75 percent vegetable oil. It is our label. We did the design on this. Yeah, definitely we did the design on this.

Q. So you did the design. Did you also print the label?

A. We printed this label before. I really don't remember the exact wording over here.

Q. You are pointing to where it says "unsalted 75 percent vegetable spread"?

A. Yeah, right. The Babushkino we printed. I mean the logo, the layout, the 95 percent of the label we printed. In other

1                   Zurinam

2       words, we printed this label. Maybe there  
3       was a little different wording, but the same  
4       label.

5           Q.       So going back to the early  
6       days, when you started doing printing for  
7       Alex Bekker and Oleg Kessler, you had  
8       mentioned, if I remember correctly, it was  
9       around 1996, maybe the end of 1995, around  
10      that time period.

11                   Were you printing this type of  
12      label for them at that time period?

13           A.       You see, this label was one of  
14      the first ones that we printed for them  
15      actually. It was one of the first labels  
16      that we printed. I think it is -- I think it  
17      was like '96, this time period, but there was  
18      one like this and there was like another one  
19      that is really close to that same size, same  
20      format, but a little different wording, but I  
21      remember those two labels we printed for them  
22      a long time ago.

23           Q.       When you speak of the labels,  
24      you are referring to a label that says  
25      "Babushkino"?

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1 Zurinam

2 A. No. I mean with Babushkino we  
3 printed this. And with this label, like  
4 around the same time, like Bazoneo,  
5 B-A-Z-O-N-E-O.

6 Q. I am going to show you  
7 something that was previously marked as  
8 Respondent's Exhibit 2 at a deposition of  
9 April 10, 2008 and ask you if you can  
10 identify that?

11 A. Yes. This is our label. This  
12 one was one. I think they were printed like  
13 approximately same.

14 You see they have the same  
15 size?

16 Q. Yes.

17 A. They were supposed to have the  
18 same size. This is also, we did the design  
19 of this.

20 Q. Okay. So these designs were  
21 created around or about the same time period?

22 A. Yes.

23 Q. And that time period is the  
24 early time period that you were speaking of?

25 A. Yeah, one of the first ones,

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2       company name that they used?

3           A.       I think they were, before Four  
4       Seasons, they had like A & O. I think Alex  
5       and Oleg, something like this. It was like I  
6       think when they opened up or something.

7           Q.       Was there any point in time  
8       when that name changed?

9           A.       Yeah, they changed it to Four  
10       Seasons. I can't give you the date. I don't  
11       know, but later on they changed it to Four  
12       Seasons.

13          Q.       All right. I am going to show  
14       you a document previously marked as  
15       Petitioner's Exhibit 4 at a deposition of  
16       April 10, 2008 and ask you if you can  
17       identify that?

18          A.       Oh, yeah. This is actually an  
19       order form for this, for the Babushkino.  
20       Yes, we printed 10,000 of those and 10,000 of  
21       those. They were all together on the same  
22       thing. Yeah, it is our internal order form  
23       here.

24          Q.       This is the internal order form  
25       of Quick Graphics, Inc.?

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2 Q. What does that say? Can you  
3 read it for the record?

4 A. It says "Due Date." The due  
5 date is 11/25/98.

6 Q. Referring to November 25, 1998?

7 A. Right.

8 Q. What does due date mean?

9 A. Due date is usually when I --  
10 you see, each job has like a time, like a  
11 time frame. Some stuff we do like in a day.  
12 Some stuff we do in like two weeks. This was  
13 actually -- this was actually -- it is  
14 usually the date that we promise the customer  
15 to get the job.

16 So that is why I usually put it  
17 on the order form, so we won't have any  
18 questions. You know, you promised me  
19 tomorrow and have it like three weeks. So  
20 that is why.

21 Q. As far as you know, did Quick  
22 Graphics actually fill this order?

23 A. Yeah, of course.

24 Q. And they filled it around or  
25 about the time of the due date?

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2       was created before this.

3           Q.       Okay.  You are saying most  
4       likely this label in Petitioner's Exhibit 13  
5       was created before the label in Petitioner's  
6       Exhibit 1?

7           A.       Right.

8           Q.       And how do you know that?

9           A.       Because the zero percent  
10       cholesterol, the one that says over here on  
11       the label in the middle, this was changed  
12       later on to 75 percent vegetable oil.  This I  
13       remember because I actually did the change  
14       myself.  Also, what I think, the whole label  
15       is written in Russian and --

16          Q.       Referring to Petitioner's  
17       Exhibit 13?

18          A.       Yes.  The label is, like masla  
19       is butter in Russian.

20          Q.       Referring to the lettering in  
21       Cyrillic at the bottom of the label --

22          A.       Right.

23          Q.       -- depicted in Petitioner's  
24       Exhibit 13?

25          A.       And then they changed it to

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1 Zurinam

2 (Petitioner's Exhibit 13,

3 label, moved into evidence.)

4 Q. Did there come a time that Alex  
5 Bekker and Oleg Kessler came to you and asked  
6 you to verify some information in writing in  
7 connection with a legal proceeding?

8 A. Yeah, they did.

9 Q. Okay. I am going to show you a  
10 document previously marked as Petitioner's  
11 Exhibit 7 at a deposition of April 10, 2008.

12 Can you identify that, please?

13 A. Yes. This is my letterhead,  
14 Quick Graphics letterhead, with my signature  
15 on it.

16 Q. You are looking at the  
17 signature at the bottom.

18 You recognize that as your own  
19 signature?

20 A. Yes.

21 Q. Was this signed by you around  
22 or about the date of the letter?

23 A. Yeah, most likely the same day,  
24 yes.

25 Q. How did you come to prepare

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2 this letter? Did Alex Bekker and Oleg  
3 Kessler tell you what they needed for you to  
4 say?

5 MR. THOMPSON: Objection to  
6 form. Compound and leading.

7 MR. FRIEDMAN: Let me withdraw  
8 that question.

9 Q. I ask you, how did the wording  
10 of this letter come about?

11 A. They brought like some like  
12 wording, I guess this wording and they  
13 said -- in other words, they said that they  
14 needed a letter for me to say that I did the  
15 job for them, whatever it is, and then I just  
16 gave them the same wording. Because as long  
17 as it is true, I don't care how it is written  
18 on the letter, you know. It doesn't make any  
19 difference. So I just gave it to them like  
20 we know that they are A & O. We know that we  
21 are printing this Grandmother's Babushkino.  
22 So there is...

23 Q. Please continue. You are  
24 referring to Petitioner's Exhibit 7, that you  
25 were printing Grandmother's Babushkino.

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1 label myself. So I did the label, and  
2 basically at the same time like we found the  
3 order form for it.  
4

5 Q. Te order form you are referring  
6 to is Petitioner's Exhibit 4, this order  
7 form?

8 A. Right.

9 Q. Are you saying that you did  
10 some looking around and you found this order  
11 form?

12 A. Yeah. Back then we had the  
13 computer with actually the actual design,  
14 with the actual design of this. And like  
15 when you do the design on the illustrator,  
16 you have the creation date. So the creation  
17 date was before it states over here, but it  
18 is basically the same, the same time.

19 Q. Do you still have that computer  
20 file today?

21 A. No. When was it? Let me see.  
22 It was 2003. Actually we don't have the file  
23 anymore at all, because like we had a couple  
24 of computer crashes.

25 We recreated a file like that a

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2 couple a months ago. They had to continue  
3 making changes. We didn't have the artwork  
4 anymore. So then we had to do it all over  
5 again.

6 MR. FRIEDMAN: I am just going  
7 to take a minute to go over my notes.  
8 I think I am finished.

9 (Recess taken.)

10 MR. FRIEDMAN: I am going to  
11 move Petitioner's Exhibit 7 into  
12 evidence.

13 MR. THOMPSON: I reserve the  
14 right to object.

15 (Petitioner's Exhibit 7,  
16 letter, moved into evidence.)

17 MR. FRIEDMAN: I have no  
18 further questions at this time.

19 CROSS-EXAMINATION BY MR. THOMPSON

20 Q. Mr. Zurinam, my name is Roger  
21 Thompson. I am the attorney representing  
22 International Gold Star Trading Corporation  
23 in this proceeding.

24 Have you ever done any business  
25 with International Gold Star?

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A. No.

Q. Have you ever heard of International Gold Star Trading outside this proceeding?

A. No.

Q. Have you ever discussed International Gold Star Trading Corporation with Mr. Bekker or Mr. Kessler?

A. No.

Q. Have you ever discussed International Gold Star Trading with anyone else associated with Four Seasons Dairy?

A. No.

Q. Other than perhaps Mr. Friedman?

A. No.

Q. Do you have an idea of what this proceeding is about?

A. No.

Q. I would like to ask you some questions about Petitioner's Exhibit 4, the order form in front of you.

Is that an original order form from you?

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2 because we opened the company over here, like  
3 we did this computer system over here, like  
4 the end of '95, so it started from zero. So  
5 until 1998 I would say jobs like this, like 4  
6 or 500 invoices would run approximately three  
7 years, approximately, approximately. Because  
8 today -- I mean the new system that we have  
9 today we are like at 6,000 or something. So  
10 that is how I know that this is -- and  
11 usually the date, I write the date for  
12 myself. That is why there is no reason for  
13 me to -- I mean the form, even though this is  
14 not an original, but it is definitely a copy.

15 Q. Do you know when the -- do I  
16 take it that the original would have been  
17 destroyed at some point?

18 A. Yeah, definitely.

19 Q. Do you know about when that  
20 would have been destroyed?

21 A. I think around, let me see.  
22 Usually we destroy them like two, three, four  
23 years later, usually, but I mean at the event  
24 that we getting like a new job and a new  
25 order form for the same customer, this order,

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2 old one. What happens is like, if it is  
3 almost like the same information, you might  
4 make a mistake and print old label, in this  
5 case, whatever, old business cards because  
6 you didn't destroy this.

7 Q. And just so the record is  
8 clear, when you are referring to "this," you  
9 are holding in your hand Exhibit 4; is that  
10 right?

11 A. Yes.

12 Q. I am sorry. Remember, the  
13 record doesn't know what you are looking at.  
14 So if you have anything else, please  
15 continue.

16 A. So therefore for us not to make  
17 a mistake in the printing the next time, we  
18 just destroy the -- usually we just discard  
19 them. We destroy the old one so it won't be  
20 like in the same -- because the envelope that  
21 you see over here, the envelopes, they have  
22 one customer in one envelope. In the same  
23 envelope we can have a lot of orders like  
24 this. That is why we will always destroy the  
25 old one, so we will see the new one.

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1 labels; is that right?

2 A. No, no. We would keep them  
3 until the next order. But if like two or  
4 three years come first, we destroy them  
5 anyways.  
6

7 Q. Why?

8 A. Because once it is not printed  
9 for let's say -- I am not saying about this  
10 job, but any job, once it is not printed  
11 within like two years, usually there is a  
12 change. You know, the customer, he change  
13 the quantity, he change the design, change  
14 the -- I don't know. The pricing is changed.  
15 That is why we just don't keep them. We  
16 destroy them, because the next one would be  
17 definitely different.

18 Q. Okay. Do you know how often it  
19 was that you printed these Babushkino labels  
20 for Four Seasons?

21 A. I don't know how often, but we  
22 printed them -- I mean the design we did many  
23 times, many changes on the same, this and  
24 this and this. I mean this and this is the  
25 same.

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1  
2 Q. And you are referring to  
3 Exhibit 1?

4 A. Okay.

5 Q. Sorry.

6 A. The design remained the same  
7 with slight changes on this. But again, like  
8 I said before, after a while -- you see,  
9 after a while, we stopped printing them,  
10 actually printing the labels. We did only  
11 the design.

12 So therefore, most likely those  
13 order forms, there are not many of them. If  
14 there were, there weren't many of them.  
15 Because on the design, I don't even keep an  
16 order form. I keep the order only if it says  
17 like the price for the design. Like on this  
18 exhibit, what number?

19 Q. 4.

20 A. 4. I mean only if it is a  
21 design. We sometimes don't have an order  
22 form because we don't need it. It doesn't go  
23 to print. So I can't find orders like this,  
24 because most likely they don't exist.

25 Q. Well, do you have any idea how

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1  
2 long the original of this document would have  
3 been in your possession?

4 A. This?

5 Q. Yes, what is Exhibit 4.

6 A. Oh, it was until the -- I mean  
7 I think it was until the day that we look --  
8 that we -- that they asked me to write this  
9 letter, because I wouldn't even find it. It  
10 wasn't even supposed to be there in the file.  
11 When I wanted to see the date over here,  
12 because --

13 MR. FRIEDMAN: The witness is  
14 referring to Petitioner's Exhibit 7.

15 The WITNESS: Yeah, number 7.

16 A. I just want to make sure that  
17 what I am signing is right. I mean I don't  
18 like to sign stuff that -- I mean we found  
19 this. We found this.

20 Q. So as I understand it then, you  
21 found the original document that was or is  
22 Petitioner's Exhibit 4 at the time you wrote  
23 or the time you signed the letter for Exhibit  
24 7; is that right?

25 A. No. We found a copy of it.

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2 So when you were brought  
3 Petitioner's 7 to sign, you went and looked  
4 in your files and found your copy of  
5 Petitioner's 4 in your files?

6 MR. FRIEDMAN: I am just going  
7 to object to the characterization of  
8 the witness' prior testimony in terms  
9 of having been brought. The phrasing  
10 that you used was Petitioner's Exhibit  
11 7.

12 Q. How was the document, Exhibit  
13 7, physically created?

14 A. We printed it.

15 Q. You typed it up?

16 A. Yes.

17 Q. On what basis did you type it  
18 up?

19 A. They basically said that they  
20 need the letter from me to say that I printed  
21 for them labels in '97. I am not really good  
22 with dates. So I just -- so I mean we  
23 found -- what we do is, we open up the  
24 envelope, the file and we saw.

25 I mean there is a lot of stuff

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1  
2 from 1997, I mean as samples, not as orders,  
3 as samples that we did. Then I just want to  
4 make sure that it is 1997 and not like, you  
5 know, 2005. You know, I remember the job.  
6 But before I sign it, I have to make sure  
7 that it is...

8 Q. Do you still have the papers  
9 that you referred to? Are those still in  
10 that file --

11 A. No, no, no.

12 Q. -- or are they no longer there?

13 A. We don't have the files  
14 anymore. Because, like I said before, we  
15 stopped printing it for them. So we don't  
16 even have the physical -- I mean like you  
17 have a physical label.

18 Q. Now you are referring to  
19 Exhibit 2?

20 MR. FRIEDMAN: Respondent's.

21 MR. THOMPSON: That is

22 Respondent's 2?

23 MR. FRIEDMAN: Isn't it?

24 MR. THOMPSON: You are right,

25 it is Respondent's 2

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1  
2 A. Yes. We don't have them  
3 anymore actually as a label, because they  
4 printed in a different place, and that's it.  
5 I mean I have -- I keep samples only from the  
6 stuff that we print.

7 Q. But not from the things that  
8 you sign?

9 A. No.

10 Q. Do you know how often you  
11 printed these labels, referring to the  
12 substance of the order of Exhibit 4?

13 A. You mean the Babushkino?

14 Q. Yes.

15 A. We printed it -- I think we  
16 actually physically printed them a couple of  
17 times.

18 Q. Over what period of time?

19 A. Oh, you see, we do -- it is  
20 like -- you see, usually something like this  
21 is until they -- usually it is until they run  
22 out of labels. I mean sometimes, if they run  
23 out of labels, sometimes happens that you do  
24 a job for a customer, it runs out of the  
25 things that we print, it comes back like

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1  
2 some -- they added like a bar code on this or  
3 other stuff that it took for them time to get  
4 it. That is why we didn't print them so  
5 often. But once they got this, the bar codes  
6 in Exhibit 1, so we printed them again.

7 Q. So during the time frame of say  
8 1997 to 1999-2000, you think you printed sets  
9 of labels for them every three, four, five  
10 months, something like that?

11 A. Yeah, I guess so.

12 Q. Can I ask you to look at  
13 Exhibit 7?

14 A. I can see, yes.

15 Q. It says that they ordered them  
16 on a weekly basis, doesn't it?

17 A. Right. So this is really -- I  
18 mean they were ordering the -- on a weekly  
19 basis it doesn't state that it is the  
20 Babushkino. It says Four Seasons Dairy has  
21 been purchasing these labels for -- I mean  
22 these labels it means different labels. I  
23 mean every week they are over here. We print  
24 for them different labels. I mean we wrote  
25 it. Obviously we are not lawyers, but it

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2       says over here -- what it means to say is we  
3       printed for them labels on a weekly basis, a  
4       weekly basis, not exactly this one. This  
5       could be once like in two months or three  
6       months, but...

7                   Q.       So the letter of Exhibit 7 was  
8       not meant to convey that you printed  
9       Babushkino labels on a weekly basis; is that  
10      correct?

11                  A.       Right. We printed for them a  
12      lot of different labels, but one of them was  
13      the Babushkino. The only thing I don't  
14      remember now if -- you see, this type of  
15      labels.

16                  MR. FRIEDMAN: Referring to the  
17      bottom of Petitioner's Exhibit 1?

18                  THE WITNESS: Yes.

19                  A.       This type of labels, to print  
20      them, you have to print them in quantity,  
21      because you can't print them in 1,000 or 500.  
22      It is like real expensive. At the time it  
23      was real expensive.

24                  So that is why we were printing  
25      for them like 10,000 at a time. So 10,000

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2       labels, once they run out, we print them  
3       again. The only thing is to hold up the  
4       weekly over here, they always had like a  
5       small change. The design was done -- the  
6       design of this was -- we would touch this job  
7       at least once a week, once a two weeks.

8                   We didn't print like them once  
9       in two weeks, but we definitely made some  
10      changes, because it took them sometimes a  
11      month, you know, to decide, to get permission  
12      from whatever. They have to get permission  
13      on this. So on a weekly basis we did the  
14      design on this maybe once in a couple of  
15      weeks, yes. We didn't print them every two  
16      weeks, but we definitely made some changes  
17      from this.

18                  Q.       Again, you are referring to the  
19      labels shown in Exhibit 1?

20                  A.       Right.

21                  Q.       So you said you made changes,  
22      but didn't print them?

23                  A.       Right.

24                  Q.       So I want to make sure I  
25      understand.

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1  
2                   You would print a set of labels  
3 for them and then they would come back in two  
4 or three weeks and say we have decided we  
5 want the number of zero percent cholesterol  
6 to go from red to blue?

7           A.       Yes.

8           Q.       You would make the design; is  
9 that right?

10          A.       Right.

11          Q.       And then you wouldn't print  
12 them; that would be ready for their next  
13 printing?

14          A.       Right.

15          Q.       Then they would come back two  
16 or three weeks later and say we need Babushka  
17 to wear a hat or not wear a hat or whatever  
18 another design change is?

19          A.       Yes, some slight things they  
20 wouldn't decide until, you know...

21          Q.       So then again you would make  
22 the change every two weeks, but you wouldn't  
23 print them; that would just be in your files  
24 ready to be printed until they got the next  
25 batch?

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1 don't have them in the computer. So...

2  
3 Q. You say that you personally  
4 designed the labels.

5 Could you tell me what your  
6 process is in designing them?

7 A. Yeah. We do the -- we take the  
8 customer information, first of all, what he  
9 wants to put on the label, we take the size  
10 and we take the colors, how many colors, one  
11 color, two colors, four colors.

12 Then when we give them a price.  
13 We see if the label bleeds, you know, until  
14 the edge. You know, the printing comes out  
15 of the edge.

16 Q. Yes.

17 A. So this is one of the factors  
18 that determines the price on this, and then  
19 later on what we do, we take a -- sometimes  
20 we use clip art. Actually this one was  
21 done -- it was done I mean like in a couple  
22 of elements together. It was done actually  
23 from scratch.

24 Q. And you are referring to the  
25 picture --

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2       this is the name we want to use?

3           A.       Right.

4           Q.       Did they show you any examples  
5       of what they wanted it to look like?

6           A.       I don't think so, because back  
7       then they didn't -- I think they didn't have  
8       nothing. I mean they had the name. I mean  
9       the -- I mean they had the name. They had  
10       the information, but I didn't see nothing  
11       like this before.

12          Q.       Okay. Did they tell you how  
13       they came up with the name Babushkino?

14          A.       No.

15          Q.       With respect to the ingredients  
16       that are listed in Exhibit 1, I presume that  
17       they told you what was supposed to be in it?

18          A.       Oh, yeah, always.

19          Q.       And what order it is listed to  
20       tell you how much relatively of each  
21       ingredient is there?

22          A.       What they do, they always bring  
23       a printout, like a printout or something.  
24       They don't write the ingredients. I mean  
25       they always bring a printout actually of this

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1 hand.

2 Is that what you are saying?

3 A. Yeah, they are writing it by  
4 hand usually. The ingredients, they don't  
5 write by hand. They bring it printed. I  
6 don't think they know the -- it is printed.  
7 I mean some of the stuff that they know, like  
8 today the nutrition facts, the ingredients,  
9 it comes printed.

10 What they do, they tell me --  
11 they give me the name, they give me the  
12 weight. They give me, I mean the size,  
13 whatever they know how it should look, and  
14 basically that is it.

15 Q. Do you recollect if the paper  
16 on which the ingredients were typed did have  
17 any other information on it besides just a  
18 list of ingredients?

19 A. No, no. Usually what they -- I  
20 don't know. I mean, you see, I can't  
21 remember. I mean there is definitely -- you  
22 see, when I take the job from a customer -- I  
23 mean we cut out whatever is unnecessary.  
24 Sometimes you have a fax paper and you have  
25

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1  
2 Q. Just for my clarification, do  
3 you remember which one came first?

4 A. This one.

5 Q. You are referring to one on the  
6 lower right of Exhibit 13; is that correct?

7 A. Yes. It seems to me, as far as  
8 I remember, this was done before.

9 Q. All right. Can you remember  
10 when the change was made from what you are  
11 seeing in Exhibit 13 to what you are seeing  
12 in Exhibit 1?

13 A. In other words, when the  
14 changes was made for particularly in this  
15 wording or when the changes was made from  
16 this label to a different one?

17 Q. Well, I am asking the  
18 difference between Exhibit 13 and Exhibit 1.

19 Were there intermediate labels  
20 that were halfway or partway between Exhibit  
21 13 and Exhibit 1?

22 A. I think so.

23 Q. Do you know how many?

24 A. How many types, I really don't  
25 know. But I think, you know, to be honest

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1  
2 mean I don't remember, because it is like --  
3 you see, about the printing, it is really  
4 simple. I mean they are -- because they sell  
5 the product, they are looking for like a  
6 cheaper price. I mean we don't work cheap  
7 with labels because we do quality work.

8                   Sometimes we would print the  
9 labels and then they would come in and say we  
10 need a change, like I said before, we need a  
11 change. And then after like a while, I don't  
12 know if we are going to print them or not.  
13 And then, when we get to the printing, they  
14 say, you know, I have like a little better  
15 price. We are going to go over there. I say  
16 okay, they are paying for the changes, you  
17 know.

18                   So I would give it to them on a  
19 CD or it was a -- yeah, I was giving it to  
20 them on a form of like a CD or something and  
21 they print it in a different place. You see,  
22 if it doesn't -- what you want to know if  
23 they were printed. I mean I can't tell that  
24 I printed them. But because we did  
25 constantly changes on this thing, I think

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1  
2 your design like this and they printed it  
3 like this?" That is how I know that they  
4 printed it in different places, because there  
5 was always a problem, that we didn't do right  
6 the design and the people that printed it,  
7 they do everything right.

8 So that was part of the  
9 problem, that they always bring me the labels  
10 that they printed and see who made the  
11 mistake over here. That is how I know that  
12 they printed it in a different place.

13 Q. So you would see labels that  
14 they had printed by somebody else and they  
15 would show them to you?

16 A. Yeah.

17 Q. And ask you why your design  
18 didn't match what the other guy printed?

19 A. Right.

20 Q. How many times -- well, do you  
21 remember this specifically happening with the  
22 Babushkino product?

23 A. With the Babushkino, one of the  
24 Babushkino, yeah, there were a lot of like  
25 different labels that happened many times. I

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2       mean the Babushkino -- you see, when I go --  
3       it is really weird.  When I go to a Russian  
4       store to buy let's say sour cream, okay, and  
5       there is a company that I do the design for  
6       them.

7                   I do the design for like  
8       different companies, not like the dairies.  
9       Then I see the product that we do the design  
10      and I see how it is printed.  So I know  
11      that -- and I see that we didn't print it,  
12      but I see like they mess up the whole thing.  
13      So I can see them in the stores.  I don't  
14      need to see the label.  I see the label in  
15      the store.

16                  So that is how we got to this  
17      thing, that it is better off for them to  
18      print it directly on the containers instead  
19      of like coming out all the time with the off  
20      labels.  You can't really read them.  So that  
21      is the good answer to your question.

22                  Q.       If it is the truth, that is all  
23      I am asking.  That is a good answer.

24                            (Reporter paper change.)

25                  Q.       Would you mind repeating what

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1  
2 you just said, so we can get it on the  
3 record.

4 A. I am saying that we see, I saw  
5 many times this products in the store, in the  
6 Russian stores and I have seen that we didn't  
7 print because the labels are a little off, a  
8 little different colors.

9 Then I would -- then Alex would  
10 call me to order like a job and I would say,  
11 you know, "Why didn't you let me print it for  
12 you? Because I saw it in the store. It  
13 looks like all off, the colors." So I told  
14 him, "Spend two, three more cents on the  
15 label and get it done right." I mean that is  
16 the reason why we would print it for them.

17 Because when we print it, we do  
18 it in like a little different way. That is  
19 why it cost them a little more. I told them  
20 "Take a look at the products. You want to  
21 sell something, but the label is like" --  
22 like there was supposed to be a cookie, they  
23 had like a label that looks like a cookie.  
24 It looks like a matso after it was printed.  
25 I am serious. That is how I know they

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1  
2 1?

3 A. Yeah. I don't think so.

4 Q. Which would be round or oval?

5 A. Yes. Usually it is round  
6 because it goes on the top and oval because  
7 it goes on the side. Today they have the bar  
8 code and it goes -- today they print it. So  
9 it is...

10 Q. You said that the letter of  
11 Exhibit 7, I think it is, that you signed  
12 most likely on the same day that it was  
13 typed?

14 A. Yes.

15 Q. I'm sorry. That it is dated;  
16 is that right?

17 A. Yes, it is same the date with  
18 the signature.

19 Q. You are the one who physically  
20 typed that letter; is that right?

21 A. Yes.

22 Q. Did Alex or Oleg give you an  
23 example of what they wanted you to say?

24 A. Yeah, they did.

25 Q. Okay. Do you remember what

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2       letter, what kind of letter you got at as  
3       example of what they wanted you to say?

4           A.       You see the way it is typed  
5       over here?

6           Q.       Yes.

7           A.       Maybe I made some small, some  
8       slight modifications for it to seem a little  
9       nicer, I mean the wording, but it is  
10       basically their wording. It is basically  
11       their wording.

12          Q.       So they gave you a proposed  
13       wording and you typed it up the way you  
14       wanted it to read?

15          A.       Yeah, because they are on 2402  
16       65th Street. They gave me the information.  
17       I mean I don't -- whatever. Like that is  
18       what they gave me, maybe like small things  
19       that I did to sound nicer. You see, I don't  
20       print orders like this every day. I mean I  
21       would -- I will tell you the truth. I  
22       wouldn't even sit over here with you. They  
23       are my good customers. I know them for many  
24       years, many years.

25                   Like if he wants me to type

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1  
2 something for him and I know that is true and  
3 it is okay, why not. Usually I don't do  
4 that. But if it is correct, it is correct.  
5 Like I said, I don't remember what it says  
6 over here. But if I signed it, then it is  
7 correct.

8 Q. If you signed it, that is your  
9 signature, right?

10 A. Right.

11 Q. That you believe it to be  
12 correct at the time that you signed?

13 A. Right. Today also. It doesn't  
14 change.

15 Q. But you don't have any  
16 recollection today of the actual facts; is  
17 that right?

18 MR. FRIEDMAN: Objection.

19 A. No, no, no, no. I mean we  
20 printed the letter. Then it was the same  
21 time we found this. You see, before I am  
22 signing anything I sign, I read it. I want  
23 to make sure that it is correct. Before I  
24 sign the stuff, we had some proof or  
25 something. My memory is proof enough. I

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1  
2 made sure like whatever we have like in the  
3 envelope, in the folder. I mean I first  
4 checked in the folder to see if we could  
5 actually find the labels or something,  
6 something. Then what it was, is that there  
7 is like a -- there was a computer printout  
8 the day that this label was created. So I  
9 knew that within the time frame it was  
10 correct, only the date. So that is why they  
11 brought me the information to write it.

12 I verified it. I looked at --  
13 it is not that I verified it. I remember it,  
14 but I just wanted to have a physical  
15 something, and that is it.

16 Q. But as you sit here today, to  
17 verify the accuracy of what is in the letter,  
18 are you relying on your memory today or are  
19 you relying on the fact that you wrote it  
20 down before and you are relying on that to be  
21 accurate?

22 A. No, no, no. What I am relying  
23 on is the memory that I remember. I do. I  
24 do. What I don't remember is if it was like  
25 May 21st or it was June. This I don't really

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1  
2 that correct?

3 A. Correct.

4 Q. Does it refer to anything that  
5 you see on Petitioner's Exhibit 1 in terms of  
6 size?

7 A. Oh, definitely.

8 Q. What does it refer to?

9 A. This is a round label, 3.75  
10 inches. It goes by size.

11 Q. Looking at Petitioner's Exhibit  
12 1.

13 A. Yeah. This is the 3.75 inches  
14 and this is the round label.

15 MR. FRIEDMAN: Referring to the  
16 to the top label of Petitioner's  
17 Exhibit 1. The witness actually  
18 pulled out a ruler and physically  
19 measured the size of the label.

20 A. Yes. It is a little smaller,  
21 but it is basically this label.

22 Q. And then the line just  
23 underneath that, we have a reference to size  
24 5.5 by 2.1?

25 A. Right.

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Q. Does that refer to anything on  
Petitioner's Exhibit 1?

A. 5.5 by 2.1, yes, this is the  
other one.

Q. That's all.

MR. THOMPSON: Nothing further.

(Time noted: 11:10 a.m.)

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I, ARIE ZURINAM, hereby certify  
that I have read the transcript of my  
testimony taken under oath in my deposition  
of April 18, 2008; that the transcript is a  
true, complete and correct record of my  
testimony, and that the answers on the  
record as given by me are true and correct.

\_\_\_\_\_  
ARIE ZURINAM

Signed and subscribed to  
before me, this \_\_\_\_ day  
of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public,

**TOBY FELDMAN**  
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I N D E X

WITNESS	EXAMINATION BY	PAGE
ARIE ZURINAM	MR. FRIEDMAN MR. THOMPSON	4, 66 24

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PETITIONER'S	DESCRIPTION	PAGE
4	order form	17
1	label	19
13	label	20
7	label	24

-----INFORMATION REQUESTS-----

DIRECTIONS (DI): None

INSERT: None

RULINGS (RL): None

REQUESTS (RQ): None

CERTIFIED (CE): None

MOTIONS (MO): None

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C E R T I F I C A T E

STATE OF NEW YORK )

: ss

COUNTY OF KINGS )

I, STEPHEN KLEINMAN, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That ARIE ZURINAM, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 2nd day of May 2008.



STEPHEN KLEINMAN

**TOBY FELDMAN**  
INCORPORATED



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# **PETITIONER'S EXHIBIT 1**

**Cancellation No.: 92042082**  
**Four Seasons Dairy Inc. v. International Gold Star Trading Corp.**  
**Offered by Petitioner, Four Seasons Dairy Inc.**



**EXHIBIT**  
Petitioner-1  
 4/10/08 BC

**EXHIBIT**  
 Four Seasons  
Gold Star  
 #92042082



# **PETITIONER'S EXHIBIT 4**

**Cancellation No.: 92042082**  
**Four Seasons Dairy Inc. v. International Gold Star Trading Corp.**  
**Offered by Petitioner, Four Seasons Dairy Inc.**

**ORDER FORM**

Due Date 11/25/98

Order No. 467

Company Four Seasons  
 Name Alex Tel. 645-9871  
 2nd Tel. Fax  
 Address 1710 West 4 Street  
 City Brooklyn State NY Zip 11223

**Quick Graphics Inc.**

6308 BAY PARKWAY  
 BROOKLYN, NEW YORK 11204  
 TEL. (718) 232-1616  
 FAX (718) 259-8015

Design 1 Design 2 Labels \$300.00

For office use only - Printing Paper

Design 2

Quantity: \_\_\_\_\_

Design 3

Printing Size: \_\_\_\_\_

**PRINTING**

DESCRIPTION	QTY.	PAPER	SIZE	1 COLOR	2 COLOR	3 COLOR	2-SID.	PRICE
Flyers								
Labels	10000	white gloss	3.75	4 Spot	Babushkina			\$900.00
	10000	white gloss	5 x 2.10	4 Spot	Babushkina			\$800.00
Cards								
B. Cards								
NCR								

**EXHIBIT**  
 Petitioner 4  
 4/10/98 BR

**EXHIBIT**  
 Four Seasons  
 Gold Star  
 #92042082

Notes Parts Numbering Perforation

SHIPPING \$172.50

SUB TOTAL \$2000.00

DEPOSIT \$2000.00 BALANCE \$0.00

TAX \$172.50

**PLEASE SIGN HERE** \_\_\_\_\_

RESALE RESALE

**WITHOUT YOUR SIGNATURE WE WILL NOT BE ABLE TO PROCESS YOUR ORDER!**

TOTAL \$2000.00

**PLEASE FAX THIS ORDER TO: (718) 259-8015 Thank You**

Trade Secret/Commercially Sensitive

# **PETITIONER'S EXHIBIT 7**

**Cancellation No.: 92042082**  
**Four Seasons Dairy Inc. v. International Gold Star Trading Corp.**  
**Offered by Petitioner, Four Seasons Dairy Inc.**

May 21, 2003

To whom it may concern,

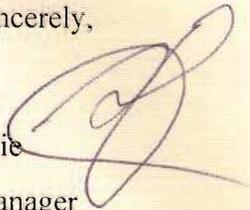
Please be advised that Quick Graphics, Inc., has been printing labels for Four Seasons Dairy Inc., 2402 65<sup>th</sup> St. Suite B3, Brooklyn, NY 11214, under the BABUSHKINO (Grandmother's) brand, since December 1997, under the A&O Corporation, and beginning January 1999, under Four Seasons.

Four Seasons has been purchasing these labels from Quick Graphics, Inc., on a weekly basis.

Sincerely,

Arie

Manager



# **PETITIONER'S EXHIBIT 13**

**Cancellation No.: 92042082**  
**Four Seasons Dairy Inc. v. International Gold Star Trading Corp.**  
**Offered by Petitioner, Four Seasons Dairy Inc.**

EXHIBIT

Petitioner-13  
4/10/08 BR

# NATAR FOODS INC.

17 53 RD STREET  
BROOKLYN NY 11232  
TEL # (718) 439-3900  
FAX # (718) 492-9536

EXHIBIT

Four Seasons  
Gold Star  
#92042082

EUROPEAN PROVISION  
WHOLESALE & DISTRIBUTORS

## PRICE LIST



# **RESPONDENT'S EXHIBIT 2**

**Cancellation No.: 92042082**  
**Four Seasons Dairy Inc. v. International Gold Star Trading Corp.**  
**Offered by Respondent, International Gold Star Trading Corp.**

EXHIBIT

Respondent-2  
4/10/08 BR

EXHIBIT

Four Seasons  
Gold Star  
#92042082

