



BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: **92042082**

Filed: 4/19/2010

Title: Petitioner's Notice of Filing Testimonial

Deposition of:

- 1) Redacted- Alexandr Bekker of April 10, 2008
- 2) Alexandr Bekker of October 15, 2009
- 3) Name of Confidential Witness Redacted of April 15, 2008
- 4) Name of Confidential Witness Redacted of June 11, 2008
- 5) Arkadiy Golub of April 17, 2008
- 6) Arkadiy Golub of October 15, 2009
- 7) Leon Sheikhet of April 16, 2008
- 8) Sofya Sheydvasser of April 17, 2008

Part 2 of 4

**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

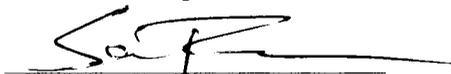
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on the date shown below:

April 16, 2010

(Date)

Samuel Friedman

Name of Representative



Signature

April 16, 2010

Date of Signature

**PETITIONER'S NOTICE OF FILING TESTIMONIAL DEPOSITION OF
ALEXANDR BEKKER OF OCTOBER 15, 2009 AND RELATED EXHIBITS**

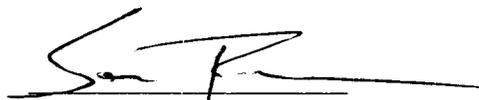
Petitioner, Four Seasons Dairy, Inc., pursuant to 37 C.F.R. §§ 2.123 and 2.125, gives notice of filing of the certified transcript of the testimonial deposition of Alexandr Bekker, taken on October 15, 2009, together with the accompanying exhibits, namely Petitioner's Trial Exhibits Nos. 304 - 314.

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

Registrant on January 20, 2010.

Dated: April 16, 2010
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Friedman', 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 Alexandr Bekker 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 16, 2010
Date

ORIGINAL

2 IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
3 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
4

5 FOUR SEASONS DAIRY, INC.,)
6)
7 Petitioner,) Cancellation No.
) 92/042,082
8 vs.)
)
9 INTERNATIONAL GOLD STAR)Mark: Babushka'S
TRADING CORP.,) Recipe
10)
11) Reg. No.
12) 2,479,287
13 Registrant.
-----)

14
15

CONTAINS TRADE SECRET/COMMERCIALY SENSITIVE
PORTIONS

16
17
18

CONFIDENTIAL EXAMINATION OF ALEXANDER BEKKER

19

New York, New York

20

Wednesday, October 15

21

22

23

BARRISTER REPORTING SERVICE, INC.

120 Broadway

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New York, N.Y. 10271

212-732-8066

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

SAMUEL FRIEDMAN, ESQ.
Attorneys for Petitioner
225 Broadway, Suite 1804
New York, New York 10007

BY: SAMUEL FRIEDMAN, ESQ.

COHEN, PONTANI, LIEBERMAN & PAVANE, LLP
Attorneys for Registrant
550 Fifth Avenue
New York, New York 10176

BY: ROGER S. THOMPSON, ESQ.

ALSO PRESENT:
Bella Krementsova, Russian Interpreter

1 BEKKER

2 B E L L A K R E M E N T S O V A,

3 called as the official interpreter in this
4 action, was duly sworn to faithfully
5 translate the questions to the witness from
6 English to Russian and the answers from
7 Russian to English.

8

9 A L E X A N D E R B E K K E R,

10 having been first duly sworn before a Notary
11 Public of the State of New York, was examined
12 and testified as follows:

13

14 EXAMINATION BY

15 MR. FRIEDMAN:

16 Q What is your name?

17 A Alexander Bekker.

18 Q What is your address?

19 A 154 Avenue P, Apartment E1, Brooklyn,
20 New York 11204.

21 MR. FRIEDMAN: Let's mark this

22 as 304.

23 (Whereupon Notice of Taking
24 Deposition Testimony was marked
25 Petitioner's Exhibit 304 for

1

BEKKER

2

identification as of this date.)

3

MR. FRIEDMAN: Mark this as

4

305.

5

(Whereupon Copy of Paper Used to

6

Wrap Butter was marked

7

Petitioner's Exhibit 305 for

8

identification as of this date.)

9

Q. Mr. Bekker, good afternoon. I'm

10

showing you what has been marked as

11

Petitioner's 304, which I represent to you is

12

a notice of taking deposition testimony that

13

was served in this proceeding for Alexander

14

Bekker.

15

Are you Alexander Bekker?

16

A. Yes, yes, I am Alexander Bekker.

17

Q. You previously gave testimony in this

18

case?

19

A. Yes.

20

Q. There were some questions with respect

21

to how did you and Mr. Kessler come up with

22

the name Babushkino. Do you remember stating

23

in sum or substance that it was the name of a

24

product from Russia that is familiar to

25

Russian people?

1 BEKKER

2 A. Yeah, that's correct.

3 Q. You were also asked if you had seen
4 Russian products named Babushkino in the
5 market in the United States?

6 A. Yeah, that's correct.

7 Q. And you stated that you had seen such
8 a product in a Russian specialty store by the
9 name of Yuzhni. Do you remember giving this
10 testimony?

11 A. Yeah, that's correct.

12 Q. I am showing you now what has been
13 marked as Petitioner's Exhibit 305, which I
14 represent for the record, was previously
15 exchanged with Mr. Thompson during the
16 document exchange in this case and bears
17 Bates stamp number P0078. What is P305?

18 A. This is the copy from the paper which
19 we sell, the butter wrapped in this paper.
20 Which I bought in the store Yuzhni.

21 Q. Do you remember when you bought this
22 product in the store Yuzhni?

23 A. I don't remember exactly.

24 Q. Do you remember approximately?

25 A. It was sometime after year 2000.

1 BEKKER

2 Maybe 2001.

3 Q. Is this specific item the thing that
4 gave -- strike that.

5 What does this represent?

6 A. This is the product which was brought
7 from Russia and everything is written in
8 Russian and it says here Babushkino Butter
9 and that's it.

10 Q. Is this an example of the type of
11 product that was sold in Russia for which you
12 and Mr. Kessler came up with the name
13 Babushkino?

14 MR. THOMPSON: Can I have that
15 read back?

16 (Whereupon, the record was read
17 by the reporter.)

18 A. Yes.

19 Q. Was it this specific product that you
20 bought sometime after 2000 or is this merely
21 an example of that type of product?

22 A. Can you --

23 Q. I will rephrase the question.

24 Approximately when did you and
25 Mr. Kessler begin selling dairy products

1 BEKKER

2 under the name Babushkino?

3 A. In the beginning of 1997.

4 Q. I'm going to move on to a different
5 topic.

6 You previously gave some testimony
7 about your duties as vice president of Four
8 Seasons Dairy?

9 A. Yes.

10 Q. In substance you stated that your
11 duties included everything?

12 A. Yeah, that's how it was.

13 Q. I ask you specifically whether those
14 duties include supervising the trademark
15 registrations of Four Seasons Dairy?

16 MR. THOMPSON: I would only
17 object to form. You say, include in
18 there present tense and I'm not sure
19 if you're including what his duties
20 have been over time or what they are
21 at this point today.

22 A. Yes.

23 MR. FRIEDMAN: I am referring
24 to both.

25 A. Yes.

1 BEKKER

2 Q. Does Four Seasons Dairy own any
3 trademarks?

4 A. Yes.

5 MR. FRIEDMAN: Can you please
6 mark this as 306.

7 (Whereupon Three-Page Trademark
8 Registered 9-12-2000 was marked
9 Petitioner's Exhibit 306 for
10 identification as of this date.)

11 Q. I'm showing you what has been marked
12 as Petitioner's 306 which for the record is
13 three pages stapled together. Can you tell
14 me what this is?

15 A. It's the trademark of our company.

16 Q. When was it registered?

17 A. September 12, 2000.

18 Q. Is this registration still in effect
19 today?

20 A. Yes.

21 Q. Was it renewed?

22 A. Yes.

23 MR. THOMPSON: Objection. It
24 can't have been renewed. It's not due
25 for a new one until September 12,

1 BEKKER

2 2010.

3 Q. Were affidavits of continuing use
4 filed and accepted by the trademark office?

5 A. Yes.

6 Q. Has Four Seasons assigned this
7 trademark to anybody at any time?

8 A. No.

9 MR. FRIEDMAN: I ask the court
10 reporter to mark this as 307.

11 (Whereupon Trademark Bearing
12 Registration Number 3339107 was
13 marked Petitioner's Exhibit 307
14 for identification as of this
15 date.)

16 Q. I'm showing you what has been marked
17 as 307. Can you identify it, please?

18 A. Yes.

19 Q. What is it?

20 A. This is our trademark.

21 Q. When was this trademark registered?

22 A. November 20, 2007.

23 Q. Does Four Seasons Dairy still own this
24 trademark?

25 A. Yes.

1 BEKKER

2 Q. Was it ever assigned to anybody?

3 A. No.

4 Q. What is the trademark registration
5 number that appears on the upper right-hand
6 side?

7 A. 3339107.

8 Q. Just referring your attention back to
9 Petitioner's 306, what is the registration
10 number of that trademark?

11 A. 2385765.

12 MR. FRIEDMAN: Mark this 308,
13 please.

14 (Whereupon Trademark Bearing
15 Registration Number 3347842 was
16 marked Petitioner's Exhibit 308
17 for identification as of this
18 date.)

19 Q. I'm showing you what has been marked
20 as Petitioner's 308. Can you identify this
21 document?

22 A. This is our trademark as well.

23 Q. When was it registered?

24 A. December 4, 2007.

25 Q. What is the registration number,

1 BEKKER

2 please?

3 A. 3347842.

4 Q. Does Four Seasons Dairy still own this
5 trademark?

6 A. Yes.

7 Q. Was it ever assigned to anybody?

8 A. No.

9 Q. I'm going to show you --

10 MR. FRIEDMAN: Can I have this
11 marked Petitioner's 309.

12 (Whereupon Trademark Bearing
13 Registration Number 3339108 was
14 marked Petitioner's Exhibit 309
15 for identification as of this
16 date.)

17 Q. I'm showing you what has been marked
18 as Petitioner's 309. It's one page.

19 Can you identify it, please?

20 A. This is our trademark.

21 Q. When was it registered?

22 A. November 20, 2007.

23 Q. What is the registration number?

24 A. 3339108.

25 Q. Was this trademark ever assigned to

1 BEKKER

2 anybody?

3 A. No.

4 Q. Does Four Seasons Dairy still own it
5 today?

6 A. Yes.

7 Q. For what product is this?

8 A. It's a sour cream.

9 Q. All of the exhibits, the trademark
10 registrations that you have testified to up
11 until now, they have all been for products
12 within the classification of dairy; is that
13 right?

14 A. Yes.

15 Q. How did you come up with this
16 particular trademark design?

17 A. This sour cream was called Riga Sour
18 Cream. So we came up with some building
19 landmark for the Riga, some of the Riga
20 building. And made it into a trademark.

21 Q. Did you copy this design from some
22 other product in the marketplace?

23 A. No.

24 Q. Regarding the trademark registration
25 certificates that you have reviewed thus far

1 BEKKER

2 and testified to today, did Four Seasons
3 Dairy copy those designs from anybody in the
4 marketplace?

5 A. No.

6 MR. FRIEDMAN: Mark this 310,
7 please.

8 (Whereupon Trademark Bearing
9 Registration Number 3339112 was
10 marked Petitioner's Exhibit 310
11 for identification as of this
12 date.)

13 Q. I'm showing you what has been marked
14 as 310. Can you identify it, please?

15 A. This is also our trademark.

16 Q. What is the registration number?

17 A. 3339112.

18 Q. When was it registered?

19 A. November 20, 2007.

20 Q. Is this trademark registration still
21 owned by Four Seasons Dairy?

22 A. Yes.

23 Q. Was it ever assigned to anybody?

24 A. No.

25 Q. For what product is this?

1 BEKKER

2 A. This is for mozzarella cheese.

3 Q. The design that forms a part of this
4 trademark and the photo, what does that
5 represent?

6 A. This is the photograph of my sister
7 when she was an infant seven months old.

8 Q. Would that be Svetlana Kessler?

9 A. Yes.

10 MR. FRIEDMAN: Petitioner's
11 311, please.

12 (Whereupon Trademark Bearing
13 Registration Number 3339109 was
14 marked Petitioner's Exhibit 311
15 for identification as of this
16 date.)

17 Q. I'm showing you what has been marked
18 as 311. Can you identify it, please?

19 A. This is our trademark.

20 Q. What is the registration number?

21 A. 3339109.

22 Q. When was it registered?

23 A. November 20, 2007.

24 Q. Was it ever assigned to anybody?

25 A. No.

1 BEKKER

2 Q. Does Four Seasons Dairy still own it
3 today?

4 A. Yes.

5 Q. What is the design that we see in this
6 trademark?

7 A. You see here the horse and then the
8 carriage, this is the design.

9 Q. Are there words also?

10 A. It says Amish style high fat sour
11 cream.

12 Q. How did Four Seasons come up with this
13 design?

14 A. That's how, like we think when you
15 think about Amish people and the Amish style,
16 that's what we think that the people, like in
17 the carriage and then the buggy so that's how
18 we envision it.

19 Q. Did you copy this trademark from
20 anything on the marketplace?

21 A. No.

22 Q. For what product is this?

23 A. This is for the sour cream.

24 MR. FRIEDMAN: Mark this
25 Petitioner's 312, please.

1 BEKKER

2 (Whereupon Trademark Bearing
3 Registration Number 3339111 was
4 marked Petitioner's Exhibit 312
5 for identification as of this
6 date.)

7 Q. I'm showing you what has been marked
8 as Petitioner's 312. Could you identify it
9 please?

10 A. This is our trademark.

11 Q. What is the registration number?

12 A. 3339111.

13 Q. When was it registered?

14 A. November 20, 2007.

15 Q. For what product?

16 A. For the sour cream.

17 Q. Has this trademark ever been assigned
18 to anybody?

19 A. No, never.

20 Q. Does Four Seasons Dairy still own it
21 today?

22 A. Yes.

23 Q. Was the design in this trademark
24 copied from a product in the marketplace?

25 A. No.

1 BEKKER

2 MR. FRIEDMAN: Mark this

3 Petitioner's 313.

4 (Whereupon Trademark Bearing
5 Registration Number 3339113 was
6 marked Petitioner's Exhibit 313
7 for identification as of this
8 date.)

9 Q. I'm showing you what has been marked
10 as 313. It's one page. Can you identify it?

11 A. This is our trademark.

12 Q. When was it registered?

13 A. November 20, 2007.

14 Q. What is the registration number?

15 A. 3339113.

16 Q. Was it ever assigned to anybody?

17 A. No.

18 Q. Does Four Seasons Dairy still own it
19 today?

20 A. Yes.

21 Q. For what product is this?

22 A. This is for the condensed milk.

23 Q. In what language is the lettering?

24 MR. THOMPSON: Objection to
25 form. There's two different sets of

1 BEKKER

2 language.

3 MR. FRIEDMAN: True. I thought
4 the witness would say that.

5 MR. THOMPSON: Okay.

6 Q. I direct your attention to the non
7 English lettering toward the top of the
8 design. In what language is that?

9 A. It's in Russian language.

10 Q. What language is the wording
11 underneath that?

12 A. It's the same language, like in
13 English, the same words but in the English
14 language.

15 MR. FRIEDMAN: This is 314.

16 (Whereupon Trademark Bearing
17 Registration Number 3439238 was
18 marked Petitioner's Exhibit 314
19 for identification as of this
20 date.)

21 Q. I'm showing you what has been marked
22 as Petitioner's 314. It's one page. Can you
23 identify it?

24 A. This is our trademark.

25 Q. What is the registration number?

1 BEKKER

2 A. 3439238.

3 Q. When was it registered?

4 A. September 16, 2008.

5 Q. By that date are you referring to the
6 corrected date?

7 A. Yeah, that's correct.

8 Q. Above that date there appears the
9 words registered with the date. What is that
10 date?

11 A. It was registered June 3, 2008 and
12 then the date was corrected.

13 Q. Does Four Seasons Dairy still own this
14 trademark?

15 A. Yes.

16 Q. Was it ever assigned to anybody?

17 A. No.

18 Q. For what product is this?

19 A. This is for mozzarella cheese.

20 Q. What language appears in the larger
21 lettering on this?

22 A. It's in Russian language.

23 Q. How did Four Seasons come up with this
24 design?

25 A. It's two of our cows which is our

1 BEKKER

2 trademark is in the middle of the label and
3 then the tall building is the farm where they
4 do this dairy. And that's because we have
5 our own dairy that we thought of the design.

6 Q. Did you copy this design from a
7 product in the marketplace?

8 A. No.

9 Q. Did you have an opportunity today to
10 review the official website of the United
11 States Patent and Trademark Office?

12 A. Yes.

13 Q. Did you review the registration status
14 of all of these marks today?

15 A. Yes.

16 Q. Is the information set forth in these
17 exhibits that I've shown you numbered P306
18 through P314, is this information current as
19 of today?

20 A. Yes.

21 Q. As reflected in the United States
22 Patent Trademark Office website?

23 A. Yes.

24 Q. I just want to refer your attention
25 back to 305 for a moment. Is that a

1 BEKKER

2 photocopy of the packaging that contained the
3 product?

4 A. Yeah, that's correct.

5 Q. Is it a true copy of the packaging?

6 A. Yes.

7 Q. What if anything, happened to the
8 original packaging?

9 A. It was all tainted with butter and we
10 threw it out and we made a copy.

11 Q. Did you provide the copy to me?

12 A. Yes, we did.

13 MR. FRIEDMAN: I have no
14 further questions.

15 EXAMINATION BY

16 MR. THOMPSON:

17 Q. With respect to Exhibit 305, when did
18 you provide that copy to Mr. Friedman?

19 A. I don't remember exactly.

20 Q. Was it last week?

21 A. It was before last week.

22 Q. Was it much before last week, was it
23 many years before last week?

24 A. Yes, that's correct.

25 Q. Perhaps 2003, 2004?

1 BEKKER

2 A. Yeah, probably.

3 Q. Is that roughly the time frame when
4 you acquired the original from which this was
5 made, the copy?

6 A. Yes.

7 Q. You had mentioned that Svetlana
8 Kessler is your sister; is that correct?

9 A. Yes.

10 Q. Is she married to Oleg Kessler?

11 A. Yeah, that's correct.

12 Q. So Mr. Oleg Kessler, who is your
13 partner, is also your brother-in-law?

14 A. Yes, that's correct.

15 MR. THOMPSON: That's all I
16 have.

17 FURTHER EXAMINATION

18 BY MR. FRIEDMAN:

19 Q. Regarding 305, does this indicate
20 where the product was manufactured?

21 A. Yes.

22 Q. Where?

23 A. It says produced in Russia. Saint
24 Petersburg. Here.

25 MR. THOMPSON: Somewhere in

1 BEKKER

2 this part, okay.

3 MR. FRIEDMAN: The witness is
4 pointing to --

5 THE WITNESS: Yeah, the company
6 Saint --

7 THE INTERPRETER: It says
8 produced in Russia by Saint Petersburg
9 Company, and it's a factory in Slantzy
10 which produces the conserves products.
11 That's what it says here.

12 MR. THOMPSON: Now you're
13 translating not what the witness is
14 saying but what's on the document,
15 correct?

16 THE INTERPRETER: Yes, I'm
17 translating what I'm reading here.

18 MR. THOMPSON: Just making the
19 record clear.

20 MR. FRIEDMAN: Could the
21 witness please put a mark near the
22 writing that the translator just
23 translated?

24 Q. So on the original Exhibit 304, would
25 you please circle the entire area containing

1 BEKKER

2 the language that the interpreter has
3 translated.

4 A. (Witness complies.)

5 Q. To the best of your knowledge, was
6 this product sold legally in the United
7 States by Yuzhni when you bought it?

8 MR. THOMPSON: I would object
9 for lack of foundation of whether this
10 witness can testify as to whether
11 something was sold legally or not.
12 But go ahead.

13 MR. FRIEDMAN: I was trying to
14 make things a little bit faster. I
15 thought we had some foundation laid
16 before on that issue.

17 MR. THOMPSON: I don't think we
18 have sufficient foundation but it's up
19 to you whether you want to proceed or
20 not. I don't think it matters much
21 one way or the other.

22 Q. Do you know whether there are any
23 requirements in the United States regarding
24 the labeling of food products in the English
25 language?

1 BEKKER

2 MR. THOMPSON: I object to that
3 as vague too.

4 A. Yes, I do.

5 Q. What is your understanding of the
6 regulations?

7 A. If any language other English is used
8 on a product, then it has to follow with an
9 English translation of the product. And it
10 has to also have the ingredients and then the
11 weight of the product.

12 And as far as I know, if there's
13 something is missing from what I just
14 outlined, then the product would be illegal,
15 as far as I understand.

16 Q. Is it your understanding that the
17 ingredients should be listed in the English
18 language?

19 A. Yes.

20 Q. Does this comply with those
21 requirements?

22 A. No, there's nothing in English
23 whatsoever.

24 MR. FRIEDMAN: No further
25 questions.

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BEKKER

MR. THOMPSON: I have nothing
more.

MR. FRIEDMAN: Off the record.

(Discussion held off the
record.)

(Time noted: 1:20 p.m.)

ALEXANDER BEKKER

Subscribed and sworn to before me
this day of , 2009.

Notary Public

1

2

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4

WITNESS	EXAMINATION BY	PAGE
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5

Alexander Bekker	MR. FRIEDMAN	4, 23
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6

	MR. THOMPSON	22
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7

EXHIBITS

8

PETITIONER'S FOR IDENTIFICATION	DESCRIPTION	PAGE
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10	304	Notice of Taking Deposition Testimony	4
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11

	305	Copy of Paper Used to Wrap Butter	4
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12

13	306	Three-Page Trademark Registered 9-12-2000	9
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14

	307	Trademark Bearing Registration Number 3339107	10
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15

16	308	Trademark Bearing Registration Number 3347842	11
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17

	309	Trademark Bearing Registration Number 3339108	12
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18

19	310	Trademark Bearing Registration Number 3339112	14
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20

	311	Trademark Bearing Registration Number 3339109	15
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21

22	312	Trademark Bearing Registration Number 3339111	17
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EXHIBITS (Continued)

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2	PETITIONER'S		
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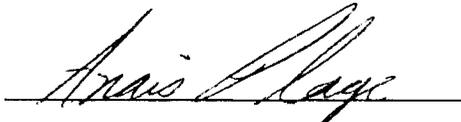
C E R T I F I C A T E

I, ANAIS PLAGE, hereby certify that the Examination before Trial of ALEXANDER BEKKER was held before me on the 15th day of October, 2009; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Examination Before Trial of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this *2nd* day of *Nov.*, 2009.


ANAIS PLAGE

1	ERRATA SHEET	
2	PAGE/LINE	CORRECTION
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PETITIONER'S EXHIBIT 304

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

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

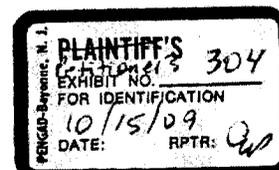
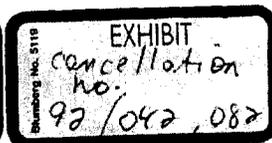
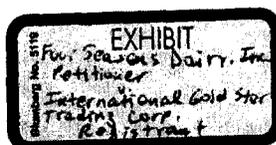
App. Ser. No. 76-174,746

NOTICE OF TAKING TESTIMONY DEPOSITION OF
ALEXANDR BEKKER PURSUANT TO 37 CFR SECTION 2.123

PLEASE TAKE NOTICE, that on Thursday, October 15, 2009, beginning at 12:30 p.m. at the offices of Samuel Friedman, Attorney at Law, 225 Broadway, Suite 1804, New York, New York 10007, testimony will be taken on behalf of Petitioner in the above-captioned cancellation proceeding, pursuant to the Rules of Practice in Trademark Cases, before a Notary Public or some other person authorized by law to administer oaths, of the following witnesses:

<u>Name</u>	<u>Title</u>	<u>Time</u>
ALEXANDR BEKKER	Four Seasons' Vice President	12:30 pm

The above witness has an address care of Four Seasons Dairy, Inc. at 2402 65th Street, Suite B3, Brooklyn, New York 11204.



The oral examinations will continue from day-to-day until completed. You are invited to attend and cross-examine.

Respectfully submitted,

Dated: October 9, 2009

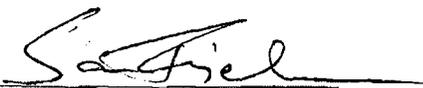
By: 

Samuel Friedman, Attorney at Law
225 Broadway, Suite 1804
New York, New York 10007
Tel. (212) 267-2900
Attorney for Petitioner

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 TAKING TESTIMONY OF ALEXANDR BEKKER in Cancellation Proceeding No. 92042082 entitled Four Seasons Dairy, Inc. v. International Gold Star Trading Corp., was pursuant to stipulation served by email upon the law offices of counsel for Registrant, addressed as follows:

Roger S. Thompson, Esq.
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176
RThompson@cplplaw.com


Samuel Friedman

October 9, 2009
Date

PETITIONER'S EXHIBIT 305

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

PETITIONER'S EXHIBIT 306

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

Int. Cl.: 29

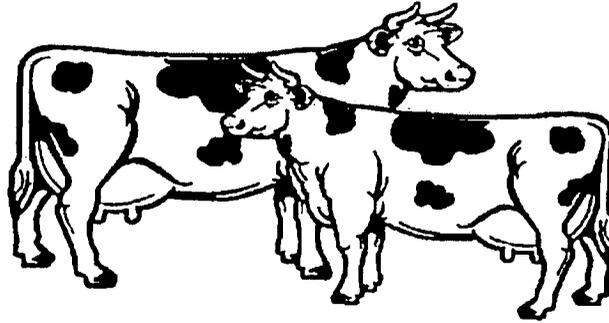
Prior U.S. Cl.: 46

Reg. No. 2,385,765

United States Patent and Trademark Office

Registered Sep. 12, 2000

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY, INC. (NEW YORK COR-
PORATION)
1710 WEST 4TH STREET, ROOM C-5
BROOKLYN, NY 11223

FIRST USE 1-7-1999; IN COMMERCE 1-7-1999.

SER. NO. 75-851,602, FILED 11-17-1999.

ZHALEH DELANEY, EXAMINING ATTORNEY

FOR: BUTTER, BUTTER BLEND, MARGARINE, IN
CLASS 29 (U.S. CL. 46).

PLAINTIFF'S
Petitioner's 306
EXHIBIT NO.
FOR IDENTIFICATION
10/15/09
DATE: RPTR: *Qya*

EXHIBIT
Four Seasons Dairy Inc.
Petitioner
International Gold Star
Trading Corp.
Registrant

EXHIBIT
Cancellation no.
P2/042,082

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 2385765 SERIAL NO: 75/851602 MAILING DATE: 11/08/2006
REGISTRATION DATE: 09/12/2000
MARK: MISCELLANEOUS DESIGN
REGISTRATION OWNER: Four Seasons Dairy, Inc.

CORRESPONDENCE ADDRESS:

Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York NY 10007

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058. ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065. ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
029.

HUNTLEY, TIFFANY K
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION) SECTION 8: AFFIDAVIT OF CONTINUED USE The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration. **Failure to file the Section 8 Affidavit will result in the cancellation of the registration.**

II) SECTION 9: APPLICATION FOR RENEWAL The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an

Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration. **Failure to file the Application for Renewal will result in the expiration of the registration.**

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

PETITIONER'S EXHIBIT 307

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

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,339,107

United States Patent and Trademark Office

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

THE MARK CONSISTS OF WORDS AND AN OUTER CIRCLE IN RED; A BROWN AND WHITE COW; AND GREEN GRASS.

FOR: SOUR CREAM, IN CLASS 29 (U.S. CL. 46).

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS RURAL SOUR CREAM.

FIRST USE 3-12-2003; IN COMMERCE 3-12-2003.

THE NON-LATIN CHARACTER(S) IN THE MARK TRANSLITERATE INTO SELSKAYA SMETANA, AND THIS MEANS RURAL SOUR CREAM IN ENGLISH.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SOUR CREAM" AND "SMETANA", APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED, BROWN, WHITE AND GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 77-143,786, FILED 3-29-2007.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

PLAINTIFF'S
EXHIBIT NO. 307
FOR IDENTIFICATION
DATE: 12/15/09
RPTA: 90

EXHIBIT
Four Seasons Dairy Inc
Petitioners
International Gold Star
Trading Corp.
20154/2009

EXHIBIT
Cancellation no.
92/042, 002

PETITIONER'S EXHIBIT 308

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

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,347,842

Registered Dec. 4, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

THE MARK CONSISTS OF WORDS AND AN OUTER CIRCLE IN RED; A CHECKERED PATTERN IN RED AND WHITE ON A PLATE; BLINTZES IN BROWN; SOUR CREAM IN WHITE.

FOR: SOUR CREAM, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-12-2003; IN COMMERCE 3-12-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE SOUR CREAM AND THE PICTORIAL REPRESENTATION OF SOUR CREAM, APART FROM THE MARK AS SHOWN.

THE NON-LATIN CHARACTER(S) IN THE MARK TRANSLITERATE INTO DOMASHNYAY SMETANA, AND THIS MEANS HOME SOUR CREAM IN ENGLISH.

SER. NO. 77-143,824, FILED 3-29-2007.

THE COLOR(S) RED, WHITE, BROWN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

PLAINTIFF'S
EXHIBIT NO. 308
FOR IDENTIFICATION
DATE: 10/15/07
RPTR: CWD

EXHIBIT
Four Seasons Dairy, Inc.
Petitioners
International Gold Star
Trade Mfg. Corp.
Petitioners

EXHIBIT
Cancellation no.
92/040,082

PETITIONER'S EXHIBIT 309

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

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,339,108

United States Patent and Trademark Office

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK COR-
PORATION)
2402 65TH STREET
BROOKLYN, NY 11204

THE MARK CONSISTS OF WORDS IN GREEN;
WALLS OF A CASTLE IN BLACK AND WHITE;
ROOFTOPS AND DOMES INSIDE CASTLE IN
GREEN.

FOR: SOUR CREAM. IN CLASS 29 (U.S. CL. 46).

THE FOREIGN WORDING IN THE MARK
TRANSLATES INTO ENGLISH AS RIGA STYLE
SOUR CREAM.

FIRST USE 9-11-2006; IN COMMERCE 9-11-2006.

THE NON-LATIN CHARACTER(S) IN THE
MARK TRANSLITERATE INTO RIGASKAR SMET-
NANA, AND THIS MEANS RIGA STYLE SOUR
CREAM IN ENGLISH.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "RIGA STYLE SOUR CREAM"
AND "RIGASKAR SMETANA" . APART FROM
THE MARK AS SHOWN.

SER. NO. 77-143,870, FILED 3-29-2007.

THE COLOR(S) GREEN, BLACK, WHITE IS ARE
CLAIMED AS A FEATURE OF THE MARK.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

EXHIBIT
Four Seasons Dairy Inc
Petitioner
International Gold Star
Trogans Corp
Registrant
Shenandoah No. 5110

EXHIBIT
cancellation no
92/042,082
Shenandoah No. 5110

PLAINTIFF'S
Petitioner's 309
EXHIBIT NO.
FOR IDENTIFICATION
DATE: 10/15/09
RPTR: [Signature]

PETITIONER'S EXHIBIT 310

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

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,339,112

United States Patent and Trademark Office

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

THE COLOR(S) RED, WHITE, GREEN, GRAY, BLACK IS ARE CLAIMED AS A FEATURE OF THE MARK.

FOR: MOZZARELLA CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-10-1999; IN COMMERCE 1-10-1999.

THE MARK CONSISTS OF THE WORDS BABY BRINZA IN RED LETTERS OUTLINED IN WHITE; A GREEN BACKGROUND; A BLACK, WHITE AND GRAY PHOTOGRAPH OF A BABY INSIDE A RED AND WHITE CIRCLE.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRINZA", APART FROM THE MARK AS SHOWN.

SER. NO. 77-144,001, FILED 3-29-2007.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK IDENTIFIES SVETLANA KESLER, WHOSE CONSENT(S) TO REGISTER IS SUBMITTED.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

PLAINTIFF'S
EXHIBIT NO. 310
FOR IDENTIFICATION
DATE: 10/15/09
RPTR: [Signature]

EXHIBIT
Four Seasons Dairy Inc.
In Opposition to Gold Star
Trademarks Corp.
Registration

EXHIBIT
Cancellation no
42/042,082

PETITIONER'S EXHIBIT 311

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

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,339,109

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

THE COLOR(S) RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

FOR: SOUR CREAM, IN CLASS 29 (U.S. CL. 46).

THE MARK CONSISTS OF WORDS AND THE DESIGN OF A HORSE, WAGON AND DRIVER IN RED, ON A WHITE BACKGROUND.

FIRST USE 9-12-2006; IN COMMERCE 9-12-2006.

SER. NO. 77-143,901, FILED 3-29-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMISH STYLE HIGH FAT SOUR CREAM", APART FROM THE MARK AS SHOWN.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

EXHIBIT
Four Seasons Dairy Inc.
Petitioner
Foley National Gold Star
Trading Corp.
Registered

EXHIBIT
Cancellation no.
92/042,081

PLAINTIFF'S
EXHIBIT NO. 311
FOR IDENTIFICATION
DATE: 10/15/09
RPTR: [Signature]

PETITIONER'S EXHIBIT 312

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

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,339,111

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

THE MARK CONSISTS OF WORDS IN BLUE, A JUG IN BROWN, WHITE LIQUID COMING FROM THE JUG, ALL ON A WHITE BACKGROUND.

FOR: SOUR CREAM, IN CLASS 29 (U.S. CL. 46).

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS LIQUID SOUR CREAM.

FIRST USE 2-20-2006; IN COMMERCE 2-20-2006.

THE NON-LATIN CHARACTER(S) IN THE MARK TRANSLITERATE INTO SMETANA GED-KAY, AND THIS MEANS LIQUID SOUR CREAM IN ENGLISH.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RUSSIAN STYLE HIGH FAT LIQUID SOUR CREAM" AND "SMETANA GED-KAY", APART FROM THE MARK AS SHOWN.

SER. NO. 77-143,955, FILED 3-29-2007.

THE COLOR(S) BROWN, BLUE, WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

EXHIBIT
Four Seasons Dairy, Inc.
Petitioner
Int'l National Gold Star
Trading Corp.
204, 65th St

EXHIBIT
collaboration no
72/042, 082

PLAINTIFF'S
Petitioner's 312
EXHIBIT NO.
FOR IDENTIFICATION
10/15/07
DATE: RPTR: QP

PETITIONER'S EXHIBIT 313

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

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,339,113

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

FOR: CONDENSED WHOLE MILK. IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-19-2006; IN COMMERCE 9-19-2006.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SWEETENED CONDENSED WHOLE MILK" AND "MOMOKO TSELGHOE", APART FROM THE MARK AS SHOWN.

THE COLOR(S) DARK BLUE, LIGHT BLUE, AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A DARK BLUE, ZIG ZAG BACKGROUND DESIGN WITH A BORDER

OF WHITE AND LIGHT BLUE, AND CONTAINING TWO DIAMOND SHAPES THAT ALSO ARE DARK BLUE WITH AN OUTLINE OF WHITE AND LIGHT BLUE; THE WORDS SWEETENED CONDENSED WHOLE MILK IN WHITE; RUSSIAN CHARACTERS IN WHITE ON A LIGHT BLUE BACKGROUND.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS SWEETENED CONDENSED WHOLE MILK.

THE NON-LATIN CHARACTER(S) IN THE MARK TRANSLITERATE INTO MONOKO TSELGHOE, AND THIS MEANS SWEETENED CONDENSED WHOLE MILK IN ENGLISH.

SER. NO. 77-144,111, FILED 3-29-2007.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

EXHIBIT
Four Seasons Dairy Inc
Petitioner
International Gold Star
Trading Corp.
Registrant

EXHIBIT
Conco 110110 no.
92/042, 082

PLAINTIFF'S
EXHIBIT NO. 313
FOR IDENTIFICATION
DATE: 10/15/09
RPTR: Gp

PETITIONER'S EXHIBIT 314

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

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 3,439,238

United States Patent and Trademark Office

Registered June 3, 2008

Corrected

OG Date Sep. 16, 2008

TRADEMARK
PRINCIPAL REGISTER



FOUR SEASONS DAIRY INC. (NEW YORK CORPORATION)
2402 65TH STREET
BROOKLYN, NY 11204

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SULGUNI CHEESE" AND THE GEORGIAN CHARACTERS THAT TRANSLATE TO SULGUNI CHEESE, APART FROM THE MARK AS SHOWN.

THE COLOR(S) RED, WHITE, AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF WORDS IN WHITE; A BARN, SILO AND COWS IN BLACK AND WHITE; A RED BACKGROUND.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS SULGUNI CHEESE.

THE GEORGIAN CHARACTERS IN THE MARK TRANSLITERATE TO SULGUNI AND THIS MEANS SULGUNI IN ENGLISH.

FOR: CHEESE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-10-1999; IN COMMERCE 1-10-1999.

SER. NO. 77-144,057, FILED 3-29-2007.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Sep. 16, 2008.

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

EXHIBIT
Four Seasons Dairy Inc.
Petitioner's
International Gold Star
Trading Corp.
New York

EXHIBIT
Cancellation no.
72/042, 082

PLAINTIFF'S
EXHIBIT NO. 314
FOR IDENTIFICATION
DATE: 10/15/09
RPTR: qp

**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 deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on the date shown below:

April 16, 2010

(Date)

Samuel Friedman

Name of Representative


Signature

April 16, 2010

Date of Signature

**PETITIONER'S NOTICE OF FILING REDACTED TESTIMONIAL DEPOSITION OF
[REDACTED] OF APRIL 15, 2008 AND RELATED EXHIBITS**

Petitioner, Four Seasons Dairy, Inc., pursuant to 37 C.F.R. §§ 2.123 and 2.125, gives notice of filing of the redacted certified transcript of the testimonial deposition of [REDACTED] [REDACTED] taken on April 15, 2008, together with the accompanying exhibits, namely Petitioner's Trial Exhibits Nos. 1, 5, 6, 18 and 19.

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

Registrant on May 13, 2008.

Dated: April 16, 2010
New York, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Friedman', 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 [REDACTED] 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 16, 2010
Date

1 ORIGINAL

2 IN THE U.S. PATENT AND TRADEMARK OFFICE

3 BEFORE THE TRADEMARK AND APPEAL BOARD

4 Cancellation No. 92042082

5 Reg. No. 2,479,287

6 -----x
7 FOUR SEASONS DAIRY, INC.,
8 Petitioner,

9 vs.

10 INTERNATIONAL GOLD STAR TRADING CORP.,
11 Registrant.
12 -----x

13
14
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16 DEPOSITION OF [REDACTED]
17 [REDACTED], New Jersey
18 April 15, 2008
19

20
21 Reported by:
22 GLORIA HAGE
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April 15, 2008

10:15 a.m.

DEPOSITION of [REDACTED] held at the
offices of [REDACTED]
[REDACTED] New Jersey [REDACTED] taken by Petitioner
pursuant to Notice, before GLORIA HAGE, a Shorthand
Reporter and Notary Public within and for the State
of New Jersey.

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

SAMUEL FRIEDMAN, ESQ.

Attorney for the Petitioner

225 Broadway, Suite 1804

New York, New York 10007

COHEN PONTANI LIEBERMAN & PAVANE LLP

Attorneys for the Registrant

551 Fifth Avenue

New York, New York 10176

BY: ROGER S. THOMPSON, ESQ.

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[REDACTED] having been first duly sworn by a Notary Public within and for the State of New Jersey, stated his business address as [REDACTED] [REDACTED] New Jersey, and was examined and testified under oath as follows:

MR. FRIEDMAN: Counsel have conferred and have agreed to certain stipulations: That the objections except as to the form of the question will be reserved until the time of the trial, that the transcript may be sworn before any notary, and that Petitioner's counsel may retain possession of the original exhibits.

MR. THOMPSON: That is correct.

EXAMINATION BY MR. FRIEDMAN:

Q [REDACTED] could you please state your full name and your business address for the record?

A [REDACTED]
New Jersey [REDACTED]

Q Where are we today?

A [REDACTED]

Q Are you employed here?

A Yes, I am.

Q What is your position?

A Vice-president of sales.

1

2 Q And were you employed here as far back as
3 1997?

4 A Yes.

5 Q Have your duties and responsibilities
6 remained the same from '97 until the present?

7 A Yes. Just my title has changed from '97
8 to the present.

9 Q Could you tell me what your title was back
10 in 1997?

11 A Director of business development.

12 Q And your title today?

13 A Vice-president of sales.

14 Q When did you make the switch
15 approximately?

16 A About three years ago.

17 Q Could you tell me what your duties and
18 responsibilities have been?

19 A I'm responsible for the development of all
20 new products, development of all new customers and
21 all of the sales of the company.

22 Q What is the business of [REDACTED]?

23 A [REDACTED] is a manufacturer of shortenings and
24 oils, margarines, butter blends, mayonnaise, salad
25 dressings, cooking wine and vinegar. We're a food

1

2

manufacturer.

3

4

Q Has [REDACTED] been in food manufacturing since at least 1997?

5

A Yes.

6

7

Q Does [REDACTED] do business with a company by the name of Four Seasons Dairy?

8

A Yes.

9

10

Q Had your company previously done business with any predecessor of Four Seasons Dairy?

11

MR. THOMPSON: Objection to foundation.

12

You haven't established if he knows if there was any predecessors.

13

14

Q Since when has your company been doing business with Four Seasons Dairy?

15

16

A As Four Seasons Dairy?

17

Q Very well.

18

A Since I believe it was 1998.

19

20

Q Do you know whether there were any predecessors to Four Seasons Dairy?

21

A Yes. Originally there was a company called A&O which we started doing business with in 1997.

22

23

24

Q Do you recall who any of the principals of A&O were?

25

1

2 A I'm not sure if I know the last names. It
3 was Alex, Oleg and Mark were the three.

4 Q You mentioned 1997 as the year when the
5 [REDACTED] company started doing business with the A&O
6 company?

7 A That is correct.

8 Q What was the business done for the A&O
9 company back in 1997?

10 A We manufactured margarine and butter blend
11 products for them.

12 Q Do you recollect the circumstances of how
13 A&O came to [REDACTED]?

14 A I actually remember the day exactly, it's
15 funny. Because Mark -- our plant is the building
16 behind us and our offices used to be upstairs behind
17 the plant. Back in '97 that is where our offices
18 where.

19 When they came in in the first meeting we
20 had a glass table in the reception room, and Mark sat
21 on it and broke it. I remember clearly. It was a
22 \$500 table.

23 They had called to make an appointment and
24 said that they're a business and that they wanted to
25 start a manufacturing relationship with us. And then

1 [REDACTED]
2 they came here for a meeting, and we started right
3 around that time with them.

4 Q You mentioned Mark at that first meeting.
5 Was anybody else present during that first meeting?

6 A It was Mark, Alex, Oleg, and there was
7 another gentleman by the name of Michael. Again, I
8 don't remember Michael's last name either. It was
9 the four of them.

10 Q After that first meeting in 1997 what
11 transpired in terms of [REDACTED] manufacturing a product
12 for A&O Corporation?

13 A They had approached me. And there was a
14 few products that were -- I guess they're from
15 Russia -- that they were accustomed to, and they
16 wanted to know if we had any similar product that
17 they could buy from us.

18 Q Was there any particular name of a brand
19 that they were using at the time?

20 A They started -- originally the brand that
21 they were going to use and that they did use was
22 called A&O Brand, because that's -- we started making
23 the product with no label for them because I didn't
24 have the machine to put a label on the tubs, so we
25 called it A&O Brand.

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But they were actually labeling the product themselves in their warehouse. They were calling it Grandmother's Babushkino I believe, but Grandmother's is what they called the product.

Q Did you ever see the labels that they were affixing to the containers that you were filling?

A I did because we had to make sure the ingredient statement and everything was correct, us being the manufacturer. I did see that they brought label proofs to show me at that time. So, yes, I didn't have the physical label. I just had label proofs.

Q You mentioned Babushkino. Was that label in English or in some other language?

A It was both in English and Russian.

MR. FRIEDMAN: Off the record.

(A discussion is held off the record.)

Q I'm showing you a document previously marked as Petitioner's Exhibit 1 at a deposition of April 10, 2008, and I ask if you can identify it?

A Yes. I believe that that's the label that they originally started with.

Q Directing your attention to the lettering in Cyrillic, in Russian, is that representative of

1 [REDACTED]
2 the name that they were applying to their product
3 back in 1997?

4 A Yes. They called it Babushkino. And I
5 don't read Russian, but that's what they said. I do
6 know "babushka" is the little hat the lady wears on
7 the top of her head, because my wife is Ukrainian.

8 MR. FRIEDMAN: The witness was pointing to
9 the lettering in Cyrillic at the top of
10 Petitioner's Exhibit 1 when referring to the
11 name of the brand in Russian.

12 MR. THOMPSON: That's fine.

13 Q Do you have any records maintained by
14 [REDACTED] that establish that [REDACTED] started doing
15 business with A&O Corporation in 1997?

16 A Yes. I have the customer history in our
17 database.

18 Q When you say your database, where is your
19 database maintained?

20 A The servers right here on the premises.

21 Q You're referring to the computer?

22 A Exactly, yes.

23 Q The computer here on the premises?

24 A Correct.

25 Q So you're saying the data is entered into

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[REDACTED]
the computer database?

A That is correct.

Q Is data entered around or about the time of the actual event that is recorded?

A Yes. When an order is placed that day it goes into the database. The order is entered into the computer that day.

Q And does the information get entered into the computer as part of the ordinary course of business of [REDACTED]

A Yes.

Q Is it part of the ordinary course of business of [REDACTED] to keep such data entries?

A Yes. Our database goes back probably around fifteen years I would think.

Q Fifteen years since today?

A We have about fifteen years of information.

MR. FRIEDMAN: I would like to have the reporter mark this as an exhibit.

(Customer Service Printout, is received and marked Petitioner's Exhibit 18 for Identification.)

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Q I'm showing you what has been marked as
Petitioner's Exhibit 18 for identification. Can you
identify it, please?

A Yes. This is a screen shot of our
customer service screen. It shows order history.
And the customer is Food House Distributing, which is
what A&O became sometime after we started doing
business with them.

Q Did A&O become anything else besides Food
House Distributing?

A To my knowledge there were four people
that came here originally, Mark, Michael, Alex and
Oleg.

Q Yes.

A Alex and Oleg, they separated from Mark
and Michael and became Four Seasons Dairy. Michael
and Mark became Food House. So the A&O partnership
or however their company was structured became two
companies now.

MR. THOMPSON: I'll object to that
presumably as hearsay, because we haven't
established his basis for having knowledge about
some other corporation.

Q On what basis do you state that A&O became

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[REDACTED]
in some respect Food House Distribution, Inc.?

A Because I continued doing business with both sets of entities, Mike and Mark under Food House and Alex and Oleg under Four Seasons. I continued doing business with both companies.

Q And referring back to Petitioner's 18, does this indicate to you when [REDACTED] Foods began doing business with A&O and manufacturing product for them?

A Yes, it does.

Q Could you tell me where in the exhibit it makes that reference?

A Yes. On the column that says "Order Date," it would be the second column from the left, that date that you see there is the date that that order was placed.

Q Are you referring to the highlighted date?

A Well, yes, that happens to be one order. It's highlighted. But we originally started doing business with them on March 5, 1997.

Q And that is the bottom line under the first box?

A That is correct.

Q Is it the general number of 194456 in the

1 [REDACTED]
2 very left-hand column?

3 A That is correct, that is the order number.

4 Q This date of March 5, 1997 reflects what,
5 please?

6 A That reflects the first order with A&O
7 Corporation.

8 Q Does this reflect what that order was?

9 A It does. But what you're seeing on this
10 screen shot here, the order you're seeing on the
11 bottom is the one that's highlighted. So the order
12 on the bottom is the order from October 10, 1997.

13 Q And that is margarine unsalted?

14 A That is correct.

15 Q Do you know what labels were affixed to
16 that?

17 A The brand was A&O Brand.

18 Q Do you have any records that establish
19 when the name of the brand was changed from A&O to
20 Babushkino?

21 A I do. I would have to look in the
22 computer, but I do, yes. Can I do that?

23 Q Yes. If you don't mind, please do so.

24 A We originally started producing the
25 product with no label because I don't have a machine

1 [REDACTED]
2 that would adhere the label to the plastic tub, the
3 lid and the bowl. So we started with no label and
4 then the customer applied the labels themselves.

5 So you're asking me when we started
6 producing it with the Grandmother's printed tub and
7 label, or with no label where they adhered the label
8 themselves?

9 Q When you started producing it with no
10 label where they adhered the label themselves.

11 MR. FRIEDMAN: Let the record reflect that
12 the witness is looking through his computer
13 system.

14 A November 13, 1998.

15 Q What does that date of November 13, 1998
16 reflect, please?

17 A The first order with the product with no
18 label.

19 MR. THOMPSON: I ask if we can get copies
20 of the documents on which he's relying to make
21 that statement, since he's not testifying as to
22 his own knowledge but by reference to a computer
23 screen that I haven't seen and can't see from
24 where I'm sitting.

25 THE WITNESS: I can print that out if you

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want or I can turn the screen around.

Q May I have a look at that?

A Yes.

MR. FRIEDMAN: Actually I believe I have that particular printed screen. Could we have this exhibit marked as Exhibit 19.

MR. THOMPSON: Can I see it?

MR. FRIEDMAN: Yes. Do you want to take a look at the computer screen, Roger?

MR. THOMPSON: Yes, to compare the two .

MR. FRIEDMAN: Yes.

MR. THOMPSON: Okay.

MR. FRIEDMAN: Could we have this marked as Petitioner's 19, please.

(Customer Service Printout, is received and marked Petitioner's Exhibit 19 for Identification.)

Q Showing you what has been marked as Petitioner's Exhibit 19, could you identify it, please?

A Yes. That's the customer service screen for Four Seasons Dairy for no label product.

Q Is that identical to the screen that's on your computer now?

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A Yes, it is.

3

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Q Was that made in the regular course of
business of [REDACTED]

5

A Yes.

6

7

Q And maintained in the ordinary course of
business of [REDACTED]?

8

A Yes .

9

MR. FRIEDMAN: I'll move Exhibits
Petitioner's 18 and 19 into evidence.

10

11

MR. THOMPSON: I reserve the right to
object.

12

13

Q This reflects when the product with no
label printed container was made for Four Seasons?

14

15

A Correct.

16

17

Q The product called Babushkino was
previously made for A&O since 1997?

18

19

MR. THOMPSON: Objection to the form as
leading.

20

21

Q Let me rephrase that question. Was
product under the name of Babushkino made for A&O
prior to this date of November 13, 1998?

22

23

24

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A Product was made with no label for A&O
prior to 1998 with no label. We did not produce
product prior to November 13, 1998 with a printed

1 [REDACTED]
2 container saying Babushkino, no. There was no label
3 product.

4 Q But you had previously testified that you
5 worked with A&O to develop the label with the mark
6 "Babushkino" on it, correct?

7 MR. THOMPSON: I object. I don't believe
8 that accurately characterizes his statement. He
9 didn't testify that he helped them develop the
10 label.

11 A They actually sent the label to me for
12 approval because of the ingredient statement. I
13 don't remember the exact date. I remember the event,
14 but I don't remember the exact date.

15 Q But it was back in the early days in 1997?

16 A It was back when we first started doing
17 business, yes.

18 Q In 1997?

19 A Yes.

20 MR. FRIEDMAN: I'm going to show the
21 witness an exhibit previously marked as
22 Petitioner's Exhibit 5 at the deposition of
23 April 10, 2008. Off the record.

24 (A discussion is held off the record.)

25 Q Here is the original Petitioner's Exhibit

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2 5. Could you take a moment to look through that?

3 A Yes.

4 Q Do you recognize what is contained in this
5 Petitioner's Exhibit 5?

6 A Yes. They're our order confirmations.

7 Q When you say "our order confirmations"
8 you're referring to [REDACTED] order confirmations to
9 Four Seasons?

10 A That is correct.

11 Q And it's confirming what?

12 A It's confirming orders placed for
13 particular products that are identified on the
14 confirmation.

15 Q And the particular product in this case is
16 what?

17 A It's unsalted butter blend no label
18 product. And then on one of the orders there is also
19 unsalted margarine with a Four Seasons label. I'm
20 sorry, two of the orders.

21 Q And those orders that you're referring to,
22 do you see that there is certain numbers on the
23 bottom right-hand side of the pages?

24 A Yes.

25 Q Look at the very bottom of the exhibit.

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A Yes.

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Q I withdraw that. If we look at the very first page of Petitioner's Exhibit 5 in that order date of November 13, 1998, does that correspond to anything on Petitioner's Exhibit 19?

7

A Yes.

8

9

Q What does it correspond to, please, on Exhibit 19?

10

11

A On Exhibit 19 it's a history of orders from 1998 to 1999 on no label unsalted butter blends.

12

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Q On Petitioner's Exhibit 19 is the order reflected, the same order that one sees on the first page of Petitioner's Exhibit 5?

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A Yes, correct. The order on Petitioner's 5 is order number 270076. And the second order from the bottom on Exhibit 19 is 270076. It is the same order.

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MR. THOMPSON: Can I just ask for clarification for my purposes since I don't have copies of both documents. When you use the word "order" you're referring to the commercial order, not the sequence which is also the order?

24

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THE WITNESS: Exactly correct. It's the bill of lading actually, yes.

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MR. THOMPSON: I wanted to make sure I
knew what order you meant in this context.

4

THE WITNESS: Yes. Purchase order
actually.

6

7

Q And can you tell me what was ordered on
November 13, 1998?

8

9

A On Exhibit 19 there are actually two
orders placed on November 13, 1998.

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Q And only one of those two orders are in
Exhibit 5?

12

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A On Exhibit 5 what was ordered was 168
cases of unsalted butter blend no label.

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Q And then if we were to look at the next
order, the next page in Petitioner's Exhibit 5, does
that reflect an order that one would also see on
Petitioner's Exhibit 19?

18

A Yes, it does.

19

Q What order is that for?

20

A 273271.

21

Q Is that also for butter blend?

22

A Yes.

23

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Q And then in the remaining pages in
Petitioner's Exhibit 5, are they all reflected in
Petitioner's Exhibit 19?

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A Yes.

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Q After these dates in 1999 did [REDACTED] continue manufacturing the same product for Four Seasons Dairy?

5

6

A Yes, we did.

7

8

Q Has [REDACTED] continued to this day manufacturing the same product for Four Seasons Dairy?

9

10

A Yes.

11

12

Q Did there come a time that Alex and Oleg came and asked you for verification of when they had started doing business with [REDACTED]

13

14

A Yes.

15

16

Q Did you do anything in response to their request?

17

A Yes.

18

Q What did you do?

19

A I wrote them a letter.

20

21

Q I'm going to show the witness what was previously marked as Petitioner's Exhibit 6. I'm showing the witness the original Petitioner's Exhibit 6. Can you identify that?

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A Yes, I can.

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Q What is it, please?

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[REDACTED]

A It's a letter that I wrote for Four Seasons establishing when [REDACTED] started doing business with them under A&O Corporation and then under Four Seasons.

Q Is that your signature that appears on the document?

A Yes, it is.

Q Does the document reflect the position that you held on May 14, 2003?

A Yes, it does.

Q And that position was?

A Director of business development.

Q Could you please read Petitioner's 6 into the record?

A Yes. It's dated May 14, 2003. "To Whom It May Concern, Please be advised that [REDACTED] has been manufacturing butter blend products for Four Seasons Dairy Incorporated, 2402 65th Street, Suite 3B, Brooklyn, New York 11201, under the Babushkino Grandmother's brand since December 1997 and under the A&O Corporation and beginning in January 1999 under Four Seasons. Four Seasons has been purchasing these items from [REDACTED] on a weekly basis."

MR. THOMPSON: I have a probably trivial

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[REDACTED]
objection, but you added the word "and" before
the word "under" which didn't appear in the
actual document.

THE WITNESS: "Under the Babushkino"?

MR. THOMPSON: You had said "and under."

THE WITNESS: "Under the Babushkino
Grandmother's brands since December 1997.

MR. THOMPSON: I don't think it matters
since the document reads as it reads .

MR. FRIEDMAN: I would agree that it's a
distinction without importance.

Q Did you prepare this letter yourself?

A Yes, I did.

Q Did you make reference to any records of
[REDACTED] when you prepared this document?

A Yes. I went into our customer history to
get the dates.

Q Was this done on or about the date
reflected on the letter?

A Yes.

MR. FRIEDMAN: I am going to move
Petitioner's Exhibit 6 into evidence.

MR. THOMPSON: I reserve the right to
object.

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MR. FRIEDMAN: And also all of the business records having been established for Petitioner's Exhibit 5 by the witness, I move Petitioner's Exhibit 5 into evidence as well.

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MR. THOMPSON: I reserve the right to object.

7

8

MR. FRIEDMAN: Off the record.

9

(A discussion is held off the record.)

10

Q During all of the time that Four Seasons

11

has done business with [REDACTED] has Four Seasons

12

maintained the right to control the ingredients of

13

the product manufactured by [REDACTED]

14

A Yes.

15

MR. FRIEDMAN: No further questions.

16

MR. THOMPSON: [REDACTED] I will be asking

17

you a few questions if I may.

18

EXAMINATION BY MR. THOMPSON:

19

Q You've referred to the fact that [REDACTED] has

20

been doing business with Four Seasons since 1997. Is

21

that a fair summarization of your testimony?

22

A Yes. But in 1997 it was not Four Seasons.

23

It was A&O Corporation.

24

Q On what basis do you say that it was not

25

Four Seasons and it was A&O? On what basis do you

1

2 make those distinctions?

3 A Based on the individuals that I dealt with
4 with the company. I was dealing with the same two
5 individuals.

6 Q So you're making those statements because
7 you were dealing with the same people?

8 A Correct.

9 Q Do you have any knowledge of the actual
10 corporate relationships of any of the corporations,
11 A&O or Four Seasons Dairy Incorporated?

12 A No, I do not.

13 Q Or of the other companies you mentioned
14 such as Food House?

15 A No, I do not.

16 Q Are you familiar with any of the business
17 dealings that may or may not have existed between
18 those corporations?

19 A No. Only the business that I did with
20 them.

21 Q So is it fair then to state that your
22 statement that you were dealing with essentially the
23 same corporation is really the fact that you were
24 dealing with the same people?

25 A Correct.

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[REDACTED]

MR. THOMPSON: Could I take a look at the two pages that I don't have copies of?

MR. FRIEDMAN: Do you want the original?

MR. THOMPSON: I want the witness to look at it, so I need the other copies.

MR. FRIEDMAN: Yes.

MR. THOMPSON: Thank you.

Q Could I ask you to look at Exhibits 18 and 19?

A Yes.

Q I note that Exhibit 18 says under "Customer Name" "Food House Distribution," and Exhibit 19 says "Four Seasons Dairy"?

A Correct.

Q And that they have different codes. Food House is identified as --

THE WITNESS: Excuse me for a second. My boss needs to speak with me.

MR. THOMPSON: Off the record for a second.

(A discussion is held off the record.)

Q I believe I was asking you about Exhibits 18 and 19, so I'll ask you to look back at those.

As I understand it, these are the screen

1 [REDACTED]
2 shots for the customers identified as Four Seasons
3 Dairy, Inc. which is on Exhibit 19?

4 A Correct.

5 Q And for Food House Distribution, Inc.
6 which is Exhibit 18?

7 A Correct.

8 Q And on each screen shot there is something
9 identified as a code. Can you tell me what that
10 means?

11 A In the upper kind of center, just to the
12 right of where the name is?

13 Q Yes.

14 A Oh, yes, that's the customer number.

15 Q So that's a unique identifier for each
16 customer?

17 A That is correct.

18 MR. FRIEDMAN: Which exhibit are we
19 referring to?

20 MR. THOMPSON: Right now I'm asking about
21 both, because they both have customer codes.

22 Q They have different customer codes on
23 Exhibits 18 and 19, correct?

24 A That is correct.

25 Q That's because they're considered to be

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different customers?

A That is correct.

Q For Four Seasons Dairy, Inc., the first order listed is November 13 of 1998, is that correct?

A That is correct.

Q And to the best of your knowledge is that the first order appearing in [REDACTED] computer records for Four Seasons Dairy, Inc.?

A I'm not sure, but I can check it.

Q If you could.

A Yes.

MR. FRIEDMAN: I believe that's Exhibit 5.

MR. THOMPSON: I'm looking at Exhibit 19.

Exhibit 5 is the individual shots. Exhibit 19 is the summary.

MR. FRIEDMAN: Correct.

A The first order for Four Seasons Dairy, Inc. was October 6, 1998.

Q That doesn't appear on Exhibit 19?

A That is correct, because on Exhibit 19 -- this was pulled up under one particular item.

Q So that was a different item that was ordered in October of '98?

A That is correct.

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Q Can you tell me what that item was?

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A It was unsalted margarine plain no label.

4

Q But for this butter blend the first order placed was November 13 of 1998?

6

A That is correct.

7

Q And again just to beat this dead horse, it says "no label" because no labels were applied to the product here --

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A That is correct.

11

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Q I'll have to ask you to wait for me to finish my question so the reporter doesn't have to transcribe us both talking at the same time. I appreciate your being anxious to get out of here, but I do have to ask that you do that.

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Would it be fair for me to state that when these products are shipped from here with no labels on them, do you not know for a fact yourself what labels are applied to them or do you have knowledge of that?

21

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A I do not see the labels physically going on, no.

23

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Q So as far as you have personal knowledge, these go out naked to the world, is that correct?

25

A It leaves here naked, yes.

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MR. FRIEDMAN: Objection.

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Q And do you have personal knowledge of whether labels are ever applied to any of these products anywhere from your personal knowledge?

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A Just by what the customers told me.

7

Q I'm asking what you know personally.

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MR. FRIEDMAN: I think the witness has answered the question. You're calling for a

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legal conclusion. Perhaps you should define

11

what you mean by "personal knowledge" for the

12

benefit of the witness.

13

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Q Do you know from having seen yourself that labels have been applied to these products?

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A No.

16

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Q As I understand what you've said, the customer told you the labels were applied, but you never actually have seen the product with the label on it in the marketplace?

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A That is correct.

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Q So would it be fair to state that if labels were applied, you would not know of your own knowledge what labels were applied, is that correct?

23

24

A That is correct.

25

Q You have previously referred to what was

1 [REDACTED]
2 marked as Exhibit 1 which is no longer in front of
3 you. I'll ask you to take a look at it again.

4 Have you had a chance to look at it?

5 A Yes.

6 Q As I recollect your testimony, you had
7 said that that was the first label that you remember
8 seeing for Four Seasons Dairy, is that correct?

9 MR. FRIEDMAN: I object to that.

10 MR. THOMPSON: I'm asking if it's correct.

11 If I'm not correct I presume he'll tell me.

12 A I don't remember if this is the first
13 label I have seen for Four Seasons Dairy.

14 Q You said you only saw the proofs of the
15 labels, is that correct?

16 A That is correct.

17 Q Did you ever see a physical label itself?

18 A No.

19 Q So referring then to the proofs of the
20 labels that you said you've seen, do you remember
21 what the first proof label you saw for Four Seasons
22 Dairy looked like?

23 A I believe it was the Grandmother's
24 Babushkino.

25 Q I'm waiting for you to finish.

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A I am.

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Q Because of your inflection I wasn't sure if you finished, so I apologize.

5

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For the record, you were pointing to the top half of Exhibit 1, the round label, is that right?

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A Yes. Actually this label was on the lid and this label goes on the tub.

10

11

Q I was pointing out for the record what it looked to me that you were pointing to.

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A Yes.

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Q Again, this label is the round label on the top half of Exhibit 1, and the other label is the one that goes on the side which is the oval label which is the bottom half of Exhibit 1, is that right?

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A Yes.

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Q I can see what you're pointing to, but it doesn't reflect on the record. If someone gets the chance to read the record and doesn't have the benefit of seeing us in action, they may not fully understand what is going on. It may sound that I'm being overly pedantic and I apologize, but I want to make sure the record is clear.

25

A Okay.

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Q With respect to this label, I'll point it out to you, it has printed on it the name "Four Seasons Dairy Incorporated." Do you see that?

5

A Yes.

6

7

Q I'll represent to you that Four Seasons Dairy Incorporated didn't exist until January 1999. Is it fair to say that if you saw a label prior to January 1999, that it did not have that name on it?

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MR. FRIEDMAN: Which name?

11

MR. THOMPSON: Four Seasons Dairy, Inc.

12

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MR. FRIEDMAN: You're referring to the "Inc." part of it?

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MR. THOMPSON: I'm referring to the name Four Seasons Dairy, Inc.

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A I don't remember if the first label I saw said Four Seasons Dairy, Inc. or not. I just remember it says Babushkino Grandmother's.

19

20

Q Do you remember that the first label you saw said Babushkino Grandmother's?

21

A Yes.

22

Q Do you know what it looked like?

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A I'm pretty sure it looked very similar to what I'm looking at right now.

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Q Do you have any records which would

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reflect that first label you ever saw?

A No.

Q So we're just relying on what you can remember, is that fair?

A Yes.

THE WITNESS: Excuse me for a second.

MR. FRIEDMAN: Off the record.

(A discussion is held off the record.)

MR. FRIEDMAN: I would like to put on the record that Petitioner is requesting that everything set forth in the testimony today be marked trade secret material/commercially sensitive under the protective order in this matter.

This deposition has been terminated at this time because the president of the company has requested that [REDACTED] cease testifying. The president of the company had just walked in and asked that the deposition terminate immediately upon advice of counsel of [REDACTED]

I would also add to the record that the testimony given by Mr. [REDACTED] today has been voluntary and reflective of Mr. [REDACTED] own personal knowledge and not necessarily on behalf

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[REDACTED]
of [REDACTED]

MR. THOMPSON: As to the latter part I can't speak to and just allow you to make that statement for the record. I will evaluate it later.

As for the confidentiality, I will review the individual documents and particular pieces of testimony to see if I would agree that they are appropriately so nominated. But I will certainly treat them as confidential in the meantime.

I will note for the record that I have not had the opportunity to complete my cross-examination of the witness, so I reserve the right to move to have the testimony excluded since I didn't have the opportunity to complete my cross-examination.

MR. FRIEDMAN: It is outside of my power to enable you to conclude your questioning at this time. I understand that you feel that you must reserve your rights for the record.

With respect to the confidentiality and the trade secret material, there's not been an opportunity yet today to actually mark the

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exhibits as trade secret/commercially sensitive,
but I will do so at the earliest opportunity.

MR. THOMPSON: That's fine. The originals
will be in your possession, so you can mark them
as you deem appropriate. And please provide
copies to me once you've done so.

MR. FRIEDMAN: Absolutely.

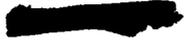
MR. THOMPSON: I'll return to you Exhibits
18 and 19 so I don't have any copies of those.
You had previously given to me copies of 5 and 6
with the labels on them. I will retain those if
that's okay.

MR. FRIEDMAN: Yes.

MR. THOMPSON: Recognizing they haven't
been marked with the confidentiality notation.

MR. FRIEDMAN: Thank you.

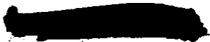
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Subscribed and sworn to before me
this _____ day of _____, 2008

Notary Public

TOBY FELDMAN
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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
Potatoes-1
4/10/08 BC

EXHIBIT
Four Seasons
Gold Star
#92042082

MANUFACTURED FOR: FOUR SEASONS DAIRY INC. BROOKLYN, NY 11204

БАБУШКИНО

UNSALTED
75% VEGETABLE OIL
SPREAD

INGREDIENTS: PARTIALLY HYDROGENATED SOYBEAN OIL, LIQUID SOYBEAN OIL, WATER, UNSALTED BUTTER, SWEET CREAM, BUTTERMILK POWDER (LECITHIN MONO & DIGLYCERIDES, CITRIC ACID, POTASSIUM SORBATE AND SODIUM BENZOATE PRESERVATIVES), ARTIFICIALLY FLAVORED, COLORED WITH BETA CAROTENE, VITAMIN A PALMITATE ADDED.



NET WT. 14OZ (396g) • KEEP REFRIGERATED

FOR ANY QUESTIONS OR COMMENTS PLEASE CALL 917-806-3895

MANUFACTURED FOR: FOUR SEASONS DAIRY INC. BROOKLYN, NY 11204

БАБУШКИНО

NEW! 0% CHOLESTEROL



SEE SIDE PANEL FOR INFORMATION ON FAT AND OTHER NUTRIENTS

NET WT. 14OZ (396g)



0 32146 13663 6

KEEP REFRIGERATED

PETITIONER'S EXHIBIT 5

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

EXHIBIT
FOUR SEASONS
Gold Star
#92042082

EXHIBIT
Petitioner: S
4/10/08 BR

Order Detail

Order No.	Order Date	Order Type	Order Status	Order Type	Order Date	Order Type	Order Status
270076	11/13/98	F-026	90	HP	12/8/98	F3	000

Line	Qty	Unit	Description	UNIT PRICE	EXTENDED PRICE
183			FEBU0200 EUTR BLUNS, 24X12OZ-NO LABEL		

168

Trade Secret/Commercially Sensitive

Order Detail			
Order No:	3/16/99	Order Date:	3/16/99
Order No:	275286	Order No:	275286
Order No:	3/17/99	Order No:	3/17/99
Order No:	275286	Order No:	275286
275286	3/16/99	F-026 30	HP 3/17/99 F1 CDD
Qty	Item	Description	UNIT PRICE EXTENDED PRICE
144	FGM1131F4	MFRG UNSMILK, 30X17-FOURSE-S	
71	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	
215			

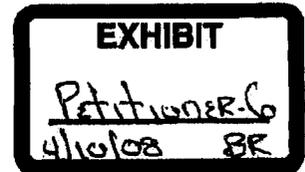
Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 6

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



Celebrating Over 25 Years in Business

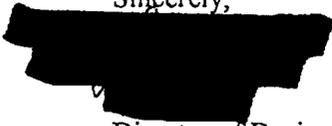


May 14, 2003

To whom it may concern,

Please be advised that [REDACTED] has been manufacturing butter blend products for Four Seasons Dairy Inc 2402 65th St. Suite B3 Brooklyn N.Y. 11214 under the BABUSHKINO (Grandmothers) brand since December 1997 under the A&O Corporation and beginning in January 1999 under Four Seasons. Four Seasons has been purchasing these items from [REDACTED] on a weekly basis.

Sincerely,



Director of Business Development

Trade Secret/Commercially Sensitive



PETITIONER'S EXHIBIT 18

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

1:55 pAnyWhere

Customer Service

Name: FOOD HOUSE DISTRIBUTION INC. CO. No. A-076

Options: Show Search Window Browse Mode

General	Account	Pricing	Order History	Inventory	Shipping	Comments	SNP Co
Order#	Order Date	Request Date	Ship Via	Address	Address	State	City
216606	01/12/98	01/12/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216608	01/12/98	01/12/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216402	01/08/98	01/08/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216403	01/08/98	01/08/98	HD	45-02 3RD AVENUE		NY	BROOKLYN
216096	01/05/98	01/05/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216153	01/05/98	01/05/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
215341	12/22/97	12/26/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
215168	12/18/97	12/18/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
214862	12/15/97	12/22/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
211072	10/17/97	10/17/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
199106	03/06/97	03/06/97	HD	45-02 3RD AVENUE		NY	BROOKLYN
194456	03/05/97	03/05/97	HD	45-02 3RD AVENUE		NY	BROOKLYN

Item	Description	UNIT PRICE	Qty	Ext	SCORE
FQUS31A6	MARG UNSALT, 30K18-A&D				
FQUS44A6	MARG UNSALT, 20K18-A&D				

start

EXHIBIT
Four Seasons
dist. Gold Star
4-13-02

EXHIBIT
18
4-15-08 6H

Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 19

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

Customer Name: FOUR SEASONS DAIRY INC Co. No: F026 Order: [Blank Search Window] [Browse Mode]

General Account Billing Order History Inventory Shipping Comments Ship To

Level: Time Ordered - 1 Item History - 2 Pricing Analysis - 3

Order Number: [Blank] [Back] [Search]

Order#	Item	Description	Order Date	UNIT PRICE	Qty	Order Age
278434	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	04/09/99	[REDACTED]	[REDACTED]	[REDACTED]
276285	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	04/07/99	[REDACTED]	[REDACTED]	[REDACTED]
275505	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	03/19/99	[REDACTED]	[REDACTED]	[REDACTED]
276286	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	03/16/99	[REDACTED]	[REDACTED]	[REDACTED]
274811	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	03/05/99	[REDACTED]	[REDACTED]	[REDACTED]
274353	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	02/24/99	[REDACTED]	[REDACTED]	[REDACTED]
273571	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	02/09/99	[REDACTED]	[REDACTED]	[REDACTED]
273271	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	01/29/99	[REDACTED]	[REDACTED]	[REDACTED]
270076	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	11/13/98	[REDACTED]	[REDACTED]	[REDACTED]
270076	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	11/13/98	[REDACTED]	[REDACTED]	[REDACTED]

EXHIBIT
 Four Seasons
 Int. Gold Star
 # 92042062

EXHIBIT
 [REDACTED] 19
 4-15-08 GH

Trade Secret/Commercially Sensitive

**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

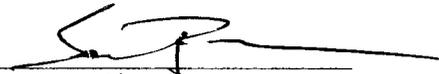
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on the date shown below:

April 16, 2010

(Date)

Samuel Friedman

Name of Representative


Signature

April 16, 2010

Date of Signature

**PETITIONER'S NOTICE OF FILING REDACTED TESTIMONIAL DEPOSITION OF
[REDACTED] OF JUNE 11, 2008 AND RELATED EXHIBITS**

Petitioner, Four Seasons Dairy, Inc., pursuant to 37 C.F.R. §§ 2.123 and 2.125, gives notice of filing of the redacted certified transcript of the testimonial deposition of [REDACTED] [REDACTED] taken on June 11, 2008, together with the accompanying exhibits, namely Petitioner's Trial Exhibits Nos. 1, 5, 18 and 19.

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

Registrant on July 9, 2008.

Dated: April 16, 2010
New York, New York

Respectfully submitted,

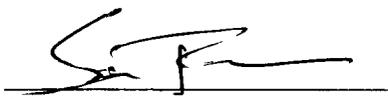
A handwritten signature in black ink, appearing to read 'S. Friedman', written over a horizontal line.

Samuel Friedman, Esq.
225 Broadway, Suite 1804
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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 [REDACTED] 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 16, 2010
Date

Trade Secret/Commercially Sensitive

2 IN THE U.S. PATENT AND TRADEMARK
OFFICE BEFORE THE TRADEMARK AND APPEAL BOARD
3 CANCELLATION NO. 92042082
REG. NO. 2,479,287

4 ----- x

FOUR SEASONS DAIRY, INC.,

5

Petitioner,

6

-against-

7

INTERNATIONAL GOLD STAR TRADING CORP.,

8

Registrant.

9 ----- x

10 CONTINUED DEPOSITION of the Third-Party
11 Witness, [REDACTED] taken by the
12 Registrant pursuant to Notice, held at the offices
13 of [REDACTED]
14 Jersey [REDACTED] on June 11, 2008, at 10:00 a.m.,
15 before a Notary Public of the State of New Jersey.

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BARRISTER REPORTING SERVICE, INC.

23

120 Broadway

New York, N.Y. 10271

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212-732-8066

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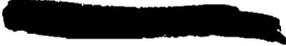
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A P P E A R A N C E S:

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BY: MICHAEL J. SULLIVAN, ESQ.

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[REDACTED]

Having been previously sworn before a Notary Public of the State of New Jersey, was examined and testified as follows:

MR. FRIEDMAN: Counsel have conferred and have agreed to stipulations that all objections except as to the form of the question are reserved until the time of trial.

That counsel for Petitioner may retain possession of the original exhibits and that the transcript may be signed before any Notary Public.

Just for the record, this is a continuation of a deposition that commenced on April 15, 2008 and we are here to conclude that deposition.

MR. SULLIVAN: Also, I want to make my appearance. My name is Michael Sullivan of the law firm Coughlin Duffy. I'm representing [REDACTED]. [REDACTED] was unrepresented at the previous deposition, so I'm starting my

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1 [REDACTED]
2 representation of the company here
3 today in connection with our role as a
4 third-party witness.

5 EXAMINATION BY

6 MR. THOMPSON:

7 Q What is your name?

8 A [REDACTED]

9 Q [REDACTED] it's nice to see you again.

10 A Thank you.

11 Q Have you been presented with a copy of
12 the transcript of your deposition from
13 April 15?

14 A Yes, I was mailed a copy.

15 Q Have you reviewed it?

16 A Yes.

17 Q Do you feel that there are any parts
18 of that testimony which would require your
19 correction or amplification or modification
20 at this time?

21 A No.

22 Q You feel comfortable with everything
23 you testified to previously?

24 A Yes.

25 Q During the first part of your

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1 [REDACTED]
2 testimony on April 15, you indicated that
3 [REDACTED] had been doing business with Four
4 Seasons Dairy, and I'm quoting since I have
5 the benefit of the transcript here, "since I
6 believe it was 1998."

7 Do you remember, generally, testifying
8 to that?

9 A Yes.

10 Q Do you still have a recollection of
11 doing business with Four Seasons Dairy since
12 1998?

13 A Yes.

14 Q What is the basis for believing that
15 [REDACTED] doing business with Four Seasons
16 started in 1998?

17 A I checked our sales history records.

18 Q Did you check them at the deposition?

19 A Yes.

20 Q You confirm that Four Seasons Dairy
21 was the business that you were doing business
22 with since 1998?

23 A Yes.

24 Q Do you remember what products you were
25 doing business with them for at that time?

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[REDACTED]

2 A It was unsalted butter blends and
3 margarine and mayonnaise.

4 Q All of those products were being sold
5 in 1998?

6 A I believe so. November of 1998, so
7 two months of '98 and 1999. So I believe all
8 those products were sold in 1998.

9 Q At the time of your last deposition,
10 we had some screenshots of some of the
11 computer records of [REDACTED] as I recall. Do
12 you remember that?

13 A Yes.

14 Q Did you rely on those screenshots for
15 forming the basis of your opinion?

16 MR. FRIEDMAN: I object to the
17 characterization of the testimony;
18 that's opinion testimony.

19 Q For the basis of your statements that
20 [REDACTED] had been doing business since November
21 of 1998?

22 A Yes.

23 MR. THOMPSON: Can I ask that
24 the witness be given the exhibits
25 again.

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MR. FRIEDMAN: Exhibits 18 and

3

19. Here is Exhibit 5 as well.

4

Q Please let me know when you've had a

5

chance to look those over?

6

A Yes, I have.

7

Q Are these the screenshots that we were

8

just mentioning?

9

A Yes.

10

Q I'll ask you to compare Exhibit 18 and

11

Exhibit 19 and in Exhibit 19, all the way at

12

the bottom, there is an order number which is

13

270075. Do you see that?

14

A Yes.

15

Q I note that that particular order

16

number is not shown on Exhibit 18.

17

A It's two different customers, 18 and

18

19.

19

Q Because one is Four Seasons Dairy and

20

the other one is the Food House Distribution?

21

A That's right.

22

Q These two screenshots show that these

23

two sets of orders came from the two

24

different customers; is that right?

25

A Yes.

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2 Q [REDACTED]
3 The Four Seasons Dairy sales,
4 according to this, started on November 13 of
5 1998?

6 A That is correct.

7 Q With a butter blend?

8 A It's unsalted butter blend, yes.

9 Q So it's butter BL, for blend; UNS, for
10 unsalted?

11 A Correct.

12 Q The unsalted butter blend starting
13 November 13, 1998?

14 A Yes.

15 Q That was the order date. Can you
16 tell, from this, when that product was
17 shipped?

18 A No, I can't.

19 Q Do you have other records that would
20 allow you to determine when that product was
21 shipped?

22 A Yes.

23 Q Would that be as part of Exhibit 5?

24 A Order 270075 is not in Exhibit 5.

25 Q Would you know why it is not part of
those documents?

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[REDACTED]

2 A I do not know.

3 Q The other documents that make up
4 Exhibit 5 represent other order numbers;
5 isn't that correct?

6 A That's correct.

7 Q Those other order numbers appeared in
8 Exhibit 19; did it not?

9 A Yes, they do.

10 Q However, that one early order of 0075
11 does not appear in Exhibit 5?

12 A That's correct.

13 Q In Exhibits 5 and 19, it shows the
14 customer's name is Four Seasons Dairy,
15 Inc. -- I'll be more correct.

16 In Exhibit 19, that identifies the
17 company as Four Seasons Dairy, Inc.; is that
18 correct?

19 A That's correct.

20 Q In the order detail on Exhibit 5, the
21 first page it says Four Seasons, rather than
22 Four Seasons Dairy, Inc.?

23 A That is correct.

24 Q Do you know why there would be a
25 difference between the two?

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[REDACTED]

2 A Yes, in this program.

3 Q Which one are you pointing to, please?

4 A In Exhibit 5, the program only allows
5 you certain amount of characters; the full
6 name wouldn't fit there. In Exhibit 19, the
7 program, the line is larger.

8 Q For Exhibit 19, the one with the
9 larger character string, Four Seasons Dairy,
10 Inc. is identified.

11 With respect to Four Seasons Dairy,
12 Inc., do you know if that name had been
13 changed at any point in time for that
14 customer?

15 MR. SULLIVAN: Objection. Do
16 you mean internally at [REDACTED] or if the
17 company changed the name?

18 MR. THOMPSON: No, I'm asking
19 about the corporate records of [REDACTED].

20 MR. SULLIVAN: I don't know
21 what you mean. You already see there
22 is a variance between two of the
23 exhibits. I'm not sure what the
24 question is.

25 MR. THOMPSON: The question is

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1 [REDACTED]
2 just as foundation. Since you're kind
3 of coming in second reel of this
4 feature, we've already established, I
5 believe, that Four Seasons Dairy
6 Incorporated was not incorporated
7 until January of 1999 or sometime in
8 1999.

9 I'm trying to determine if the
10 [REDACTED] records would have been updated
11 to reflect a new name based on a prior
12 name that may have been used by the
13 petitioner.

14 MR. SULLIVAN: If you
15 understand the question, you can
16 answer.

17 A Not to my knowledge. I don't know of
18 any corporate change from Four Seasons.

19 Q Would the records of [REDACTED] - if there
20 had been a change, would the records of [REDACTED]
21 have reflected the name of -- a change in
22 name?

23 A If we were notified of a change in
24 name, yes.

25 Q Would that have been reflected in the

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1 [REDACTED]
2 program that is used to generate the
3 screenshot of Exhibit 19?

4 A Yes, the customer number would be the
5 same as you see in both documents; FO26 is
6 the customer number. The customer number
7 would be the same and if they changed the
8 name, the name would change.

9 Q If it had been called XYZ Corporation
10 at some point, the code would have been like
11 XY001 or something like that?

12 A If it was changed from Four Seasons to
13 XYZ Company?

14 Q I was going in the other direction,
15 but fine.

16 A The customer code would remain the
17 same; the name would change.

18 Q I'm just trying to make sure I
19 understand because I think I may have
20 confused myself.

21 Let's assume that starting in 1995,
22 [REDACTED] had been doing business with a company
23 called XYZ corporation and then in 1999 --
24 and -- I'm sorry -- and then XYZ Corporation
25 was assigned a customer code. Judging by

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2 this, I presume it would have been something
3 like XY001?

4 A It would have been X001.

5 Q Let's assume it was called X001 and
6 then XYZ Corporation, three years later,
7 changed its name to ABC Corporation.

8 Would the code number of the customer
9 code have been changed to reflect the new
10 name?

11 MR. FRIEDMAN: Objection.

12 Q Or would it have kept X001?

13 MR. SULLIVAN: You can answer.

14 A The customer code would stay X001.
15 The customer name would change to ABC
16 Company.

17 Q Is it possible to determine, from
18 looking at this screenshot that we have,
19 whether or not the Four Seasons Dairy, Inc.
20 name which appears on Exhibit 19 is the same
21 name of the company that is the company that
22 was the recipient or the placer of the order
23 on order number 270075?

24 MR. FRIEDMAN: I object again.

25 I find this confusing.

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2 A Me too. Could you repeat it?

3 MR. THOMPSON: I'll rephrase
4 it.

5 Q Can you tell, from looking at the
6 screenshot of Exhibit 18, if the name of the
7 company that placed the order which appears
8 as 270075 was Four Seasons Dairy, Inc. or
9 some other name?

10 A By looking at the screenshot in
11 Exhibit 19?

12 Q Yes.

13 A The invoice to order number 270075
14 would have to be for F026, Four Seasons
15 Dairy, Inc.

16 Q Is that the end of your answer?

17 A Yes.

18 Q I understand that is the same customer
19 code, but I'm asking, since we determined
20 that the same code would stay, even if the
21 company changed its name, I'm asking if you
22 would be able to determine what the company
23 name was as of the date of 270075?

24 A Well, because I don't have that order
25 number in Exhibit 5, I'm just going by

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1 [REDACTED]
2 recollection, but if you pick another order
3 number that I have here in Exhibit 5, I can
4 answer that question.

5 Q Well, if I had the documents, I
6 wouldn't need to ask you.

7 A Okay.

8 Q Do you know why we were not provided
9 with a copy of 270075?

10 A I have no idea. These are the
11 documents -- I wasn't asked for any
12 particular order numbers. I was just asked
13 to provide -- I'm not even sure -- did I
14 provide these or did Four Seasons provide
15 these?

16 MR. FRIEDMAN: I'd like the
17 record to reflect that the documents
18 contained in Petitioner's Exhibit 5
19 were produced by Four Seasons Dairy in
20 this litigation. They were not
21 produced at the deposition of
22 Mr. [REDACTED]

23 MR. THOMPSON: They were relied
24 upon at the deposition of Mr. [REDACTED]
25 they were identified as Petitioner's

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[REDACTED]

5.

MR. SULLIVAN: The point is:
There is no point asking Mr. [REDACTED] why
this wasn't produced; he doesn't know
he was given the documents by Four
Seasons.

THE WITNESS: I was given the
documents by the attorney.

MR. FRIEDMAN: The documents
were produced in this proceeding and
there were questions asked at the
deposition of Mr. [REDACTED] concerning
these documents.

Q With respect to the document of
Exhibit 5, I notice in the upper left-hand
corner under "Order Detail", that there is an
[REDACTED] trademark; is that correct?

A That is correct.

Q Do you know if the screenshot which
appears on the various pages of Exhibit 5
reflect an in-house [REDACTED] screenshot?

A Yes.

Q Do you know how Four Seasons came into
possession of this, if you didn't give it to

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2 them?

3 A They give confirmation with every
4 order. This was the order confirmation that
5 would have been faxed over by somebody in my
6 customer service department.

7 Q The way the business procedures work
8 here at [REDACTED] is you make a printout of the
9 screenshot and send it over as a fax
10 confirmation?

11 A As an order confirmation, correct.

12 Q There doesn't seem to be any fax
13 confirmation numbers which I'm used to seeing
14 on headings in faxes.

15 Do you know if the faxes that you
16 usually send over have a fax indicia at the
17 top?

18 A I'm not sure. At that time, I'm not
19 sure.

20 Q At some point, this document would
21 have to have been generated by [REDACTED]

22 A That's correct.

23 Q You believe, then, that it was sent by
24 [REDACTED] over to Four Seasons; is that correct?

25 A That is my belief.

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[REDACTED]

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of your knowledge.

3

A There were four principles in A&O,

4

which I met with here in 1997, and they

5

presented themselves as A&O Corporation and

6

we started doing business with them in 1997.

7

Q You identified those principals as

8

Alex, Oleg, Mark and I can't remember the

9

fourth one?

10

A Michael.

11

Q Do you know Mark or Michael's last

12

name?

13

A Mark has since passed away. His last

14

name -- I don't remember.

15

Q You then testified that A&O was the

16

predecessor of Four Seasons; is that right?

17

A Yes.

18

Q On what basis did you say that it was

19

a predecessor of Four Seasons?

20

A We started doing business with A&O

21

and, to my knowledge, the four partners split

22

and Alex and Oleg started Four Seasons or

23

started doing business with me as Four

24

Seasons and A&O changed their name -- Mark

25

and Michael changed their name to Food House.

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2 Q Did you continue to do business with
3 Food House?

4 A I did.

5 Q Is it your understanding, then, that
6 Food House was also a successor to A&O?

7 MR. SULLIVAN: Objection. It
8 calls for a legal conclusion.

9 You can answer it to the degree
10 you understand it as a layperson.

11 A Could you repeat that, please.

12 Q You testified that A&O was a
13 predecessor of Four Seasons. Do you believe
14 that A&O was also a predecessor of Food
15 House?

16 MR. SULLIVAN: Same objection.

17 A I believe so, yes.

18 Q As your attorney has pointed -- first,
19 just to make it clear, Mr. Sullivan is here
20 as an attorney representing you; is that
21 correct, or a representative of the company?

22 A That's correct.

23 Q Assisting you in the deposition as and
24 on behalf of your employer; is that right?

25 A That is correct.

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2 Q At the first deposition, you had no
3 such counsel present; is that right?

4 A That's correct.

5 Q With respect to the inner corporate
6 dealings between A&O, Four Seasons and/or
7 Food House, do you have any personal
8 knowledge?

9 A No.

10 Q You don't know if there were any
11 transfers of stock or goodwill or anything
12 else with respect to any of those companies?

13 A No.

14 Q A little later on in your deposition,
15 you testified about corporate records that
16 [REDACTED] has as to when [REDACTED] started doing
17 business with A&O. I'm just refreshing your
18 recollection; it's not a question.

19 You indicated at your deposition that
20 that customer history was in the [REDACTED]
21 database; do you remember that?

22 A Yes.

23 Q Did you refer to any corporate records
24 during the previous deposition relating to
25 the customer history of A&O Corporation?

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[REDACTED]

2 A Yes.

3 Q Do you remember what you looked at at
4 that time?

5 MR. SULLIVAN: The deposition
6 will speak for itself. We're not
7 going to waste time with you asking
8 him whether or not he testified to
9 certain things. He testified to what
10 he testified to.

11 MR. THOMPSON: I'm asking him
12 what documents he referred to at that
13 time, which may not be reflected in
14 the transcript and I'm asking if he
15 remembers what documents he looked at.

16 MR. SULLIVAN: Not that were
17 referred to in the transcript; just
18 what he reviewed himself in
19 preparation for the testimony or
20 during the testimony?

21 MR. THOMPSON: Since you
22 weren't present, Mr. Sullivan, the
23 previous deposition was held at
24 Mr. Nigro's office at his desk with
25 his computer freely accessible and

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1 [REDACTED]
2 viewable by him and only by him during
3 the deposition.

4 On occasion, during the
5 deposition, he would be looking at his
6 records and since I didn't necessarily
7 get a copy of everything he saw or
8 that perhaps he referred to, I'm
9 attempting to determine if he looked
10 at things I didn't get to see and
11 that's what I'm attempting to do.

12 If it's not in the record, I
13 want to make sure that the record is
14 clear as to what he looked at when he
15 looked at it, since I wasn't taking
16 the direct deposition.

17 MR. SULLIVAN: All right.

18 Q If you remember the question,
19 otherwise I'll try to ask it --

20 A Ask it again.

21 Q Do you remember if you looked at any
22 corporate records during your prior testimony
23 with respect to when [REDACTED] started doing
24 business with A&O Corporation?

25 A Yes.

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[REDACTED]

2 Q Do you remember what records you
3 looked at?

4 A Yes.

5 Q What records did you look at?

6 A Customer service history, which was
7 Exhibit 18.

8 Q Exhibit 18 refers to Food House
9 Distribution?

10 A Yes.

11 Q It does not refer to A&O; is that
12 correct?

13 A The name is Food House Distribution,
14 the customer code is A076, which is the A076
15 was A&O Corporation.

16 Q This would have been an instance, such
17 as you testified earlier during this
18 cross-examination, where the name was changed
19 in the customer service database from A&O
20 Corporation to Food House; is that correct?

21 A That's correct.

22 Q That is what Exhibit 18 reflects?

23 A That's correct.

24 Q That the customer code A076, which
25 formally belonged to A&O Corporation -- am I

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2 right?

3 A That is correct.

4 Q -- was then, I'll say, transferred
5 over to Food House Distribution?

6 A Right. We changed the name in the
7 customer name to Food House Distribution.

8 Q All the records, then, that appear on
9 Exhibit 18 go back to the earliest dealings
10 that [REDACTED] had with A&O?

11 A That is correct.

12 Q Does [REDACTED] still do business with Food
13 House?

14 A No.

15 Q Do you know when you stopped doing
16 business with Food House?

17 A No, I do not. I'm not sure.

18 Q Do you recollect if it was fairly
19 recently, within the last two or three years?

20 A No, it was prior. It was when Mark
21 passed away, so it was a few years ago. I
22 don't know exactly when.

23 Q Just a ballpark; three, four or five
24 years, something like that?

25 A It was longer than five years ago.

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[REDACTED]

2 Q In the early 2000s?

3 A Yes.

4 Q Later on in your testimony, you were
5 referring to an exhibit -- let me see which
6 one you were referring to -- it was Exhibit
7 18. I'll ask you to look at Exhibit 18.

8 We were looking at the difference
9 between the upper half of the screen and the
10 lower half of the screen, where in the upper
11 half of the screen, there is an order number
12 that ends in a *77 that's highlighted?

13 A Yes.

14 Q In the bottom half of the screen shows
15 the individual items that were part of that
16 order that is highlighted on the upper half
17 of the screen; is that right?

18 A That is correct.

19 Q You were asked during your testimony
20 if you knew what labels were affixed to the
21 unsalted butter, which is highlighted in the
22 lower half of the screen.

23 Do you remember being asked about
24 that?

25 A Yes.

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[REDACTED]

2 Q You testified, and I'll refresh your
3 recollection. The question that was asked of
4 you is: Do you know what labels were affixed
5 to that product?

6 You answered that the brand was the
7 A&O brand.

8 A The item that is highlighted, though,
9 on that order is my brand unsalted margarine.
10 Are you referring to the item that is not
11 highlighted?

12 Q I'm just trying to refresh your
13 recollection of your earlier testimony.

14 A Okay.

15 Q So far I haven't asked you
16 substantively a question, but my question is:
17 You testified that the label, certain labels
18 were affixed to the product and you've
19 testified that the label that was affixed had
20 the A&O brand on it.

21 My question to you is: How do you
22 know what labels were affixed to the products
23 after it left the factory?

24 MR. FRIEDMAN: I'm going to
25 object to Mr. Thompson characterizing

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1 [REDACTED]
2 the witness' prior testimony. The
3 transcript does speak for itself and
4 because it's being taken out of
5 context.

6 Q Do you have personal knowledge of what
7 labels were affixed to the products that
8 [REDACTED] shipped Four Seasons after the products
9 left the [REDACTED] factory?

10 A The labels that were adhered by Four
11 Seasons?

12 Q Yes.

13 A I do not know.

14 Q You don't know what products were
15 called once they left your factory?

16 A If they put labels on the products
17 once it left here, I would have no knowledge
18 of that, no.

19 Q As I recollect your testimony, you
20 testified that the products, at that time,
21 left your factory essentially naked, with no
22 product labels on it and that the customer
23 affixed the labels?

24 A Are you talking about --

25 Q I'm talking in general.

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[REDACTED]

2 A You're asking two different things.
3 First, you asked me about Food House and now
4 you're asking about Four Seasons.

5 Q Right now I'm asking you about Four
6 Seasons. It's my recollection that the
7 products that were shipped from [REDACTED] to Four
8 Seasons had no labels on it; am I right?

9 MR. SULLIVAN: I have an
10 objection. You directed him to 18,
11 which says Food House and you asked
12 him a series of questions and now
13 you're saying what I was talking about
14 is Four Seasons.

15 MR. THOMPSON: Then I'll start
16 over.

17 Q Do you recollect, when products were
18 shipped from [REDACTED] to Four Seasons, if they
19 had labels on them or not?

20 MR. FRIEDMAN: Objection.
21 There is no time frame being given
22 here. This is highly confusing.

23 Q In the time frame of late 1998 to
24 early 1999?

25 A We produced a few different products

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1 [REDACTED]
2 for Four Seasons. Some, as you can see in
3 Exhibit 19, are no-label products and some
4 were my brand products. Different items,
5 different products.

6 So the products that were shipped and
7 is identified as no-label left here with no
8 label on it.

9 Q Everything that would be reflected on
10 Exhibit 19 specifically says "no label" and
11 that's products that say "no label", that's
12 what it means?

13 A That's correct.

14 Q It means exactly what it says?

15 A That is correct.

16 MR. THOMPSON: Mr. Friedman,
17 I'll ask you: Can you show him
18 Exhibit 1; it's the labels.

19 Q I'll ask you to take a moment to look
20 at that again.

21 A Okay.

22 Q I can go through your prior testimony,
23 but it would save time if I ask you about
24 this label. Do you remember seeing this
25 label before?

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1

[REDACTED]

2 A Yes.

3 Q What is your understanding of what
4 this label is?

5 A It's the label that Four Seasons
6 produced for the product that we shipped them
7 with no label on it.

8 Q How do you know that that is the label
9 that they affix to the product that you
10 shipped to them with no label on it?

11 A I'm going by what they told me. I
12 didn't directly see them do it or label that
13 product.

14 Q Do you know if this is exactly the
15 same label as what they told you was being
16 affixed to it at that time?

17 MR. FRIEDMAN: Objection.

18 Asked and answered.

19 Q Do you recollect?

20 A No, I don't know exactly if that's the
21 label they put on the product.

22 Q No, my question is if it was -- I'll
23 start over.

24 You had indicated that you were told
25 by Four Seasons that they were affixing a

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73

1 [REDACTED]
2 specific label to a product after it left
3 your factory; is that right?

4 A That's correct.

5 Q I believe from your previous
6 testimony, that you testified that they
7 showed you the label, or at least approved of
8 the label at some point; is that correct?

9 A That's correct.

10 Q That you needed to see that to make
11 sure that the product that you were making
12 actually met the specifications of the label;
13 is that right?

14 A That's correct.

15 Q Do you recollect if the label of
16 Exhibit 1 is the label that they showed you
17 at the earliest time when they were having
18 [REDACTED] manufacture products for them?

19 A So if I understand your question
20 correctly, you're asking me if this Exhibit 1
21 is the label that was adhered -- to the best
22 of my knowledge, is the label that they -- in
23 the beginning, that they used?

24 Q Yes.

25 MR. FRIEDMAN: I'm going to

1

[REDACTED]

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object with respect to clarity of the question and time frame. I find this confusing.

4

5

Q The time frame is at the very first time you saw a label from Four Seasons; that's the time frame.

6

7

8

MR. FRIEDMAN: When you say

9

Four Seasons, Mr. Thompson, are you

10

including its predecessor A&O or are

11

you speaking specifically about Four

12

Seasons?

13

MR. THOMPSON: Are you

14

providing your legal opinion that A&O

15

is the predecessor since the witness

16

doesn't know if it was?

17

MR. FRIEDMAN: I think the

18

witness' testimony was clear on the

19

point. I'm asking you what your

20

question refers to.

21

MR. THOMPSON: My question

22

refers to the first time he shipped a

23

product to Four Seasons Dairy, which

24

is his customer number F026, the

25

butter blend product.

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2 Q If that is the product label that you
3 were told was being affixed to the product or
4 if you cannot testify as to whether it was or
5 wasn't?

6

MR. FRIEDMAN: Does your
7 question assume that the label is in
8 the exact same form or more or less
9 the label that was used back then?

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MR. THOMPSON: I believe I used
the word "exact".

A To the best of my recollection, this
is not the original label that was used --
that was submitted when we originally started
with Four Seasons.

Q Exhibit 1 is not the first label you
saw from Four Seasons for butter blend?

A That is correct.

Q Did you subsequently see the label of
Exhibit 1?

A Yes.

Q Do you know when?

A I do not remember, no.

Q Can you give a rough time frame?

A I don't know.

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1

[REDACTED]

2 Q Again, I'm not trying to beat you up
3 on this, but do you know if it was a couple
4 of weeks after the first label, a couple of
5 years after the first label?

6 A It was within, I believe -- say -- I
7 believe it was within a year.

8 THE WITNESS: Can I go off the
9 record for a second?

10 MR. SULLIVAN: Why don't you
11 talk to me about it off the record.

12 (Whereupon a discussion was
13 held off the record.)

14 A The label is the same. There was a
15 USDA -- there was a USDA inspector called
16 Mr. Whitehead up in Albany, New York and
17 Mr. Whitehead determined that the terminology
18 on this product category had to be changed,
19 so it went from unsalted butter blend to
20 unsalted 75 percent vegetable oil spread.

21 The rest of the label, I believe, is
22 the same; just the terminology had changed.

23 Q In other words, the generic term from
24 the product went from being butter blend to
25 unsalted 75 percent vegetable oil?

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77

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[REDACTED]

2 A That is correct.

3 Q Do you know, for example, if on the
4 first label, you saw at the very top, it
5 still said Four Seasons Dairy, Inc.?

6 A Oh, I don't remember exactly.

7 Q Would it be fair to state that that
8 wasn't what you were looking at when you were
9 looking at the label?

10 A That is correct.

11 MR. THOMPSON: I think that
12 would be it for me if I could just
13 have a couple of minutes. Off the
14 record.

15 (Brief recess taken.)

16 (Continued next page for jurat.)

17

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[REDACTED]

MR. THOMPSON: I am through
with my questioning. Thank you very
much.

MR. FRIEDMAN: I have no
questions.

(Time noted: 11:05 a.m.)

[REDACTED]

Subscribed and Sworn to before me
this day of , 2008.

NOTARY PUBLIC

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C E R T I F I C A T E

I, VILMA TORRES, hereby certify that the Deposition of [REDACTED] as held before me on the 11th day of June, 2008; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Deposition of said witness;

That I am not connected by blood or marriage with any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of July, 2008.

Vilma Torres

VILMA TORRES

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<hr/> <p style="text-align: center;">V</p> <hr/> <p>variance</p>		

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

MANUFACTURED FOR: FOUR SEASONS DAIRY INC. BROOKLYN, NY 11204

БАБУШКИНО

UNSALTED
75% VEGETABLE OIL
SPREAD

INGREDIENTS: PARTIALLY HYDROGENATED SOYBEAN OIL, LIQUID SOYBEAN OIL, WATER, UNSALTED BUTTER, SWEET CREAM BUTTERMILK POWDER, LECITHIN MONO & DIGLYCERIDES, CITRIC ACID, POTASSIUM SORBATE AND SODIUM BENZOATE (PRESERVATIVES), ARTIFICIALLY FLAVORED (COLOR WITH BETA CAROTENE), VITAMIN A PALMITATE ADDED



NET WT. 14OZ (396g) • KEEP REFRIGERATED

FOR ANY QUESTIONS OR COMMENTS PLEASE CALL 917-866-4655

MANUFACTURED FOR: FOUR SEASONS DAIRY INC. BROOKLYN, NY 11204

БАБУШКИНО

NEW! 0% CHOLESTEROL



SEE SIDE PANEL FOR INFORMATION ON FAT AND OTHER NUTRIENTS

NET WT. 14OZ (396g)



0 32146 13663 6

KEEP REFRIGERATED

PETITIONER'S EXHIBIT 5

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

EXHIBIT
FOUR SEASONS
Gold Star
#92042082

EXHIBIT
Petitioner-5
4/10/08 BR

Order Detail

270076	11/13/98	F-026	30	HP	12/8/98	F3	COO
QTY	UNIT	DESCRIPTION	UNIT PRICE	EXTENDED PRICE			
168	FEBLO200	EUTR BLUNS, 24X12OZ-NO LABEL					

168

Trade Secret/Commercially Sensitive

Order Detail					
					1/29/99
					273271
					2/1/99 B:
					273271
273271	1/29/99	F-026	30	HP	2/1/99 F0 CDD
102 FEBU0000 BUTTR ELLINS, 24X120Z-NO LABEL					PRICE EXTENDED PRICE
102					

Trade Secret/Commercially Sensitive

Order Detail									
									3/16/99
									275286
									3/17/99
									275286
275286	3/16/99	F-026	30		HP	3/17/99	F1	COD	
Qty	Div	Item	Description		UNIT PRICE EXTENDED PRICE				
144		FGM1131F4	MARG UNSMILK, COX1#-FOURSEAS						
71		FBBUQ200	BUTTR BLNS, 24X1 20Z-NO LABEL						
215									

Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 18

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

Customer Service

Name: FOOD HOUSE DISTRIBUTION INC. CO: A-075

Options: Show Search Window Browse Mode

Order#	Order Date	Request Date	Ship Via	Address	Address	State	City
216606	01/12/98	01/12/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216608	01/12/98	01/12/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216402	01/08/98	01/08/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216403	01/08/98	01/08/98	HD	45-02 3RD AVENUE		NY	BROOKLYN
216096	01/05/98	01/05/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
216153	01/05/98	01/05/98	HP	45-02 3RD AVENUE		NY	BROOKLYN
215341	12/22/97	12/22/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
215169	12/18/97	12/18/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
214892	12/15/97	12/22/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
211072	10/17/97	10/17/97	HP	45-02 3RD AVENUE		NY	BROOKLYN
199106	03/06/97	03/06/97	HD	45-02 3RD AVENUE		NY	BROOKLYN
194456	03/05/97	03/05/97	HD	45-02 3RD AVENUE		NY	BROOKLYN

Item	Description	UNIT PRICE	Qty Ord	EXTEND	SCORE
FGUS316	MARG UNSALT, 30KTR-40				
FGUS446	MARG UNSALT, 20KTR-40				

EXHIBIT
 Fall seasons
 dist. Co. H. Inc.
 10/20/98

EXHIBIT
 18
 4-15-98 H

Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 19

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

Customer: FOUR SEASONS DAIRY INC Order: F025 Options: Show Search Window Show Made

General Account Billing Order History Inventory Shipping Comments Ship To

Last Time Ordered: 1 New History: 2 Pricing Analysis: 2

Order Number:

Order#	Item	Description	Order Date	UNIT PRICE (On Ord.)	AGE
278434	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	04/09/99		
278285	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	04/07/99		
276505	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	03/13/99		
276286	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	03/18/99		
274811	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	03/05/99		
274353	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	02/24/98		
273571	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	02/08/99		
273271	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	01/23/99		
270076	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	11/13/98		
270076	FBBUQ200	BUTTR BLUNS, 24X12OZ-NO LABEL	11/13/98		

EXHIBIT
 Four Seasons
 Lot: 678 SHH
 # 92042062

EXHIBIT
 [Redacted] 19
 4-15-01 SHH

Trade Secret/Commercially Sensitive

**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 deposited with the United States Postal Service as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on the date shown below:

April 16, 2010

(Date)

Samuel Friedman

Name of Representative



Signature

April 16, 2010

Date of Signature

**PETITIONER'S NOTICE OF FILING TESTIMONIAL DEPOSITION OF
ARKADIY GOLUB OF APRIL 17, 2008 AND RELATED REDACTED EXHIBITS**

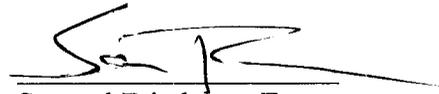
Petitioner, Four Seasons Dairy, Inc., pursuant to 37 C.F.R. §§ 2.123 and 2.125, gives notice of filing of the certified transcript of the testimonial deposition of Arkadiy Golub, taken on April 17, 2008, together with the accompanying redacted exhibits, namely Petitioner's Trial Exhibits Nos. 1, 3 and 8.

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

Registrant on May 16, 2008.

Dated: April 16, 2010
New York, New York

Respectfully submitted,

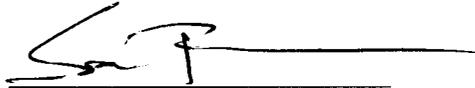
A handwritten signature in black ink, appearing to read 'S. Friedman', written over a horizontal line.

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 Arkadiy Golub 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 16, 2010
Date

ORIGINAL

1

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

-----x
IN THE MATTER OF REGISTRATION NO. 24,79,287
ISSUED ON AUGUST 21, 2001
-----x

FOUR SEASONS DAIRY, INC.,

Petitioner

-against-

Cancellation No.
92042082

INTERNATIONAL GOLD STAR TRADING CORP.,

Registrant
-----x

DEPOSITION OF ARKADIY GOLUB

April 17, 2008

Brooklyn, New York 11021

Reported by:
Nikki Montello

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April 17, 2008
10:09 a.m.

Deposition of Arkadiy Golub, pursuant
to Notice, taken by Petitioner and
Registrant, held at the offices of Alliance
Court Reporting, 189 Montague Street, Suite
503, Brooklyn, New York 11201, at the above
place and time, before 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.,

ALSO PRESENT:

GALINA PINCOW, President
International Gold Star Trading Company

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that filing sealing and certification be and the same hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within examination may be signed and sworn to before any Notary Public with the same force and effect as though signed and sworn to before this Court.

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Golub

MR. FRIEDMAN: This is a
Testimonial Deposition pursuant to
Notice.

Counsel have conferred and have
agreed on some stipulations; that
counsel for Petitioner may retain
possession of any original deposition
exhibits. That all objections except
as to the form of the question are
reserved until the time of trial, and
that the transcript may be sworn before
any Notary.

A R K A D I Y G O L U B, having stated his
address as 160 Colony Avenue, Staten
Island, New York, 10306, was duly sworn
by the Notary Public, Nikki Montello,
was examined and testified as follows:

EXAMINATION BY MR. FRIEDMAN:

Q. Good morning, Mr. Golub. My name
is Samuel Friedman. I am the lawyer for Four
Seasons Dairy. I am going to be asking you a
number of questions today at this deposition.

The court reporter, sitting to my
right, will be taking down everything that is

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2 said. So it is important that you answer
3 audibly so that the court reporter can take it
4 down and that you wait until the question is
5 finished before you start to answer. And as
6 well, if you do not understand a question, you
7 should say that you do not understand:

8 Mr. Golub, were you ever employed
9 by Beluga Caviar?

10 A. Yes.

11 Q. What was the business of Beluga
12 Caviar?

13 A. Wholesale.

14 Q. Wholesale of what?

15 A. Product, dairy product, cookies
16 and caviar, food.

17 Q. And did it have general
18 distribution of Russian foods?

19 A. Russian.

20 Q. Okay.

21 Where was Beluga Caviar located?

22 A. Now it is closed, out of
23 business, 2002.

24 Q. It went out of business in 2002?

25 A. Yes.

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Q. While it was in business, where was it located?

A. Second Avenue, Brooklyn, 32 Second Avenue.

Q. 32 Second Avenue in Brooklyn?

A. Yes, yes.

Q. When did you start working for Beluga Caviar, approximately?

A. '94.

Q. 1994?

A. Yes.

Q. When you started working there in 1994, what did you do? What was your position there?

A. I am driver. Delivery, delivery man.

Q. Okay.

Did there come a time that you were promoted? While you were working at Beluga Caviar, did your position change?

A. Yes, in '90 -- '97, yes, '97, position, manager.

Q. And could you tell me a few of the duties, a few of the things that you had

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Golub

to do as manager of Beluga Caviar?

A. I ordered some product and I check, check product come in.

Q. You're saying that your duties included ordering products and checking products that came in?

A. Yes, yes.

Q. I would just like the record to reflect that I am going to ask you, are you a native speaker of the English language?

A. A little speak. I work in Russian store.

Q. Okay.
English is not your first language?

A. Yes.

Q. Okay.
Now, did you continue working as manager of Beluga Caviar from 1997 until the store -- until the company closed?

A. Yes.

Q. Okay.
While you were the manager of Beluga Caviar, did you have any occasion to

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Golub

deal with Alex Bekker and Oleg Kesler?

A. Ordered dairy product for Alex and Oleg, butter, butter and Brinza. Every week, one times week I ordered it. Five, 10 cases of butter and that's it.

Q. Okay.

Do you remember any of the brand names that were on the products that you ordered?

A. Yes. I ordered butter and caviar and Babushkino zordove.

THE COURT REPORTER: Do you know how to spell it?

THE WITNESS: Z-D-O-R-~~404~~-O-V-A-E. AG

THE COURT REPORTER: Thank you.

Q. And when did you start ordering these products from Alex Bekker and Oleg Kesler?

A. '87 I start manager position. I ordered --

Q. You just said '87?

A. '87, yes.

Q. But I think you meant -- you earlier testified that you started working as

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1 Golub

2 general manager in '97?

3 A. 97, yes.

4 Q. '97?

5 MR. THOMPSON: I object to the
6 form of that question.

7 BY MR. FRIEDMAN:

8 Q. Do you remember now when it was
9 you --

10 MR. FRIEDMAN: Withdrawn.

11 Q. Did you start ordering the
12 product, Babushkino, from Alex Bekker and Oleg
13 Kesler when you became manager of Beluga
14 Caviar?

15 A. Yes.

16 Q. I am going to show you a document
17 previously marked as Petitioner's Exhibit 1 at
18 a deposition of April 10, 2008. And I ask you
19 whether you can identify that document?

20 A. A little different. It is a
21 little different labels.

22 Q. Okay.

23 MR. FRIEDMAN: The witness was
24 pointing to the upper label in the
25 Exhibit 1. Yes, Babushka -- little, a

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little different color.

Q. Okay.

Now, can you read, please, into the record the name that is in Russian at the top?

A. Yes, Babushkino.

Q. Babushkino?

A. Yes, Babushkino.

Q. Was Babushkino the product that you were ordering?

A. Yes.

Q. You started ordering that product when you became general manager?

A. Yes.

Q. Do you remember the name of the company that Alex Bekker and Oleg had when you started ordering Babushkino?

A. A & O, yes A -- A & O.

Q. Did there come a time that Alex Bekker and Oleg Kesler changed the name of their company?

MR. THOMPSON: Objection. Lack of foundation.

A. Yes.

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1 Golub

2 Q. Do you know whether the company
3 ever changed names?

4 MR. THOMPSON: Objection.

5 No foundation for him knowing
6 what is going on inside the company.

7 A. Yes, '90 -- 1998, maybe Four
8 Seasons, Four Seasons Dairy, yes.

9 Q. Now, when -- how was it, I am
10 going -- let's go back to 1997, 1998, when you
11 ordered product from Alex Bekker and Oleg
12 Kesler, how did the product arrive at Beluga
13 Caviar?

14 A. Excuse me?

15 Q. You don't understand? Was the
16 product delivered? Was the Babushkino product
17 delivered to Beluga Caviar?

18 A. Yes. Yes, big truck coming one
19 times a week.

20 Q. Okay.
21 Who would bring the product with
22 the truck?

23 A. Alex. Alex, Alex, I don't know
24 Alex second -- Alex, Alex.

25 Q. Alex Bekker?

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A. Alex Bekker, yes, Alex Bekker.

Q. When the product was brought to Beluga Caviar, did they give you an invoice?

A. Yes, yes. Yes.

Q. Was the invoice -- can you describe what the invoice looked like? Was it a little piece of paper or a big piece of paper?

A. Big piece, big pieces paper.

Q. I am going to show you a document, I think previously marked as Petitioner's Exhibit 3 at the deposition of April 10, 2008.

Does this represent the size of the invoice that was given to you by Alex Bekker?

A. No. Big, big, big book. Not like this.

Q. What would you do with this invoice?

A. I -- excuse me, repeat.

Q. When Alex Bekker gave you the invoice --

A. Okay. My boss. I check and give

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my boss. That's it.

Q. What would you check?

A. I check what kind, how many.

That's it.

Q. So you checked to see that you were receiving what you ordered?

A. Yes, receiving. That's it.

Q. Okay.

You say that Beluga Caviar went out of business around 2002?

A. Yes.

Q. Did you continue ordering the Babushkino dairy product from Alex Bekker and Oleg Kesler until Beluga went out of business?

A. Yes.

MR. THOMPSON: Excuse me, can I have that read back?

(Record read back.)

Q. Did there come a time that Alex Bekker and Oleg Kesler came to you and asked you to sign a letter?

A. Excuse me. Please repeat.

Q. Did Alex Bekker and Oleg Kesler ever come to you and ask you to sign a letter?

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A. I, yes.

Q. I am going to show you a document previously marked as Petitioner's Exhibit 8 at a deposition of April 10, 2008. Can you identify this document?

A. Yes, my signature.

MR. FRIEDMAN: The witness is pointing to the signature at the bottom of the letter.

Q. And you're stating this is your signature?

A. Yes.

MR. THOMPSON: For the record, that has not been marked confidential, so I may show it to Ms. Pincow?

MR. FRIEDMAN: Yes.

BY MR. FRIEDMAN:

Q. Next to your signature there is a date --

A. Yes.

Q. -- on the bottom.

A. Yes.

Q. What is that date?

A. 6/6/03. Yes.

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Q. June 6, 2003?

A. Yes.

Q. Is that the date on which you
signed this letter?

A. Yes.

Q. Now, did you write this letter
yourself or was it given to you by Alex Bekker
and Oleg Kesler?

A. No, Alex give me.

Q. Alex gave it to you?

A. Yes.

Q. Did you read it before signing
it?

A. Yes.

Q. Okay.
Were you able to verify that the
information in the letter was true before you
signed it?

A. Yes, yes.

MR. FRIEDMAN: I am going to
move Petitioner's Exhibit 8 into
evidence.

MR. THOMPSON: Objection.

MR. FRIEDMAN: I have no further

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questions at this time.

Thank you.

(Pause)

CROSS EXAMINATION

BY MR. THOMPSON:

Q. Mr. Golub, I represent -- my name is Roger Thompson. I represent International Gold Star Trading Corporation. Ms. Galina Pincow, its president, is present.

Are you familiar with the company, International Gold Star Trading Corporation?

MR. FRIEDMAN: I am going to object to this as exceeding the scope of the direct examination.

You can answer.

A. (Nodding head.)

Q. Could I ask you to verbalize the answer?

A. I don't understand.

THE WITNESS: What was his question?

(Record read back.)

Q. My question was, are you familiar

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1
2 with the company International Gold Star
3 Trading Corporation?

4 A. No.

5 Q. I'm sorry, your answer is no?
6 Again, could I ask you to speak
7 up for the reporter?

8 A. No. I don't understand that
9 question.

10 Q. Have you ever been heard of a
11 company called International Gold Star
12 Trading?

13 A. Who is this company? I don't
14 order anything from this company.

15 Q. So you have heard of the company
16 but you never ordered from them? That is what
17 you said?

18 A. Yes, yes.

19 Q. Where are you working now?

20 A. I working driver.

21 Q. For whom?

22 A. For Frazier Trading.

23 Q. Frazier Trading. Could you spell
24 Frazier?

25 A. F-R, F-R-A -- oh, what's it,

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F-R-A-Z-I-E-R.

Q. Trading. How long have you been working for Frazier Trading?

A. Working maybe three, three years. Three years.

Q. I'm sorry. Did you finish your answer?

A. Yes.

Q. I presume that when Beluga Caviar went out of business you were unemployed?

A. Yes.

Q. Where did you go to work first after -- let me start over.

What was your first job after Beluga Caviar went out of business?

MR. FRIEDMAN: Note my continuing objection to this line of questioning as exceeding the scope of direct examination.

A. Let me see. I working driver. I don't remember company name. I don't remember company name. I believe -- I don't remember company name.

Q. But you worked at some company

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before Frazier Trading as a driver?

A. Yes.

Q. Did you work for more than one company? Was there one company you worked for between the time you stopped working for Beluga and started working for Frazier, or was there more than one?

MR. FRIEDMAN: Object to the form.

A. I don't understand.

MR. THOMPSON: I will rephrase the question.

Q. From the time you stopped working for Beluga --

A. Yes.

Q. -- and the time you started working for Frazier, how many companies did you work for?

A. Only one company.

Q. Only one?

A. Yes.

Q. That is the company whose name you don't remember?

A. Yes.

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Q. And you worked for them as a driver?

A. Yes, driver, yes.

Q. Where were you working at the time you signed the letter marked as Exhibit 8?

A. I don't remember. I don't remember.

Q. I'm sorry. Your answer is you don't remember?

A. No.

Q. If it sounds like I am repeating it, it is just to make sure that it is in the record.

But at the time that you signed that letter, you were not working for Beluga, isn't that right?

A. Yes.

Q. Because Beluga was out of business?

A. Yes. Unemployment. Maybe unemployment this time. I don't remember.

Q. So you may have been unemployed at the time?

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A. Yes.

Q. Were you offered any money in exchange for signing that letter?

A. No. No.

Q. You said that you verified the information that was contained in the letter. Do you remember saying that?

A. I don't understand.

Q. You don't know what the word verified means?

A. I don't understand. Please repeat.

Q. Okay.

Did you check to make sure, before you signed that letter, that what was in it was true?

A. Yes. Yes, I check. I read and sign it after couple of days.

Q. Okay.

So you read the letter?

A. Yes --

Q. Could you please explain in your words what you did from the time you received the letter until you signed it?

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2 A. Okay. I received. I read this
3 correct and sign it. That's it.

4 Q. I'm sorry. You said you read?

5 A. I read, I read this, correct.
6 And I sign it.

7 Q. You said, as I understand what
8 you said, you read the characters then you
9 signed it.

10 Is that what you meant?

11 A. Yes.

12 THE COURT REPORTER: I have
13 "correct" not "characters."

14 Q. I'm sorry.

15 Is that what you said? You read
16 to see that it was correct and then you signed
17 it?

18 A. Yes.

19 Q. Did you look at any pieces of
20 paper to help you see if it was true?

21 A. No.

22 Q. What did you do to make sure that
23 what it said was true?

24 A. I remember. I remember ordering
25 the product.

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1 Golub

2 Q. So you signed it because you
3 remembered ordering the product.

4 Did you remember when you first
5 started to order the product?

6 A. I started, yes. I remember.
7 When I start position as manager, I ordered
8 it.

9 Q. From the very first day you were
10 the manager?

11 A. I don't remember first day,
12 second day. I don't remember.

13 Q. But from the first week or two
14 that you were the manager?

15 A. I don't remember week, maybe
16 week. I don't know. Long time. Maybe we
17 can, maybe -- I don't remember. Maybe couple
18 days. I don't remember. I remember I ordered
19 this product. That's it.

20 Q. So you remember you ordered the
21 product and that's all that you remember?

22 A. Yes.

23 Q. The letter that you signed says
24 that you started ordering it in 1997?

25 A. Yes. 1997. I don't remember

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date.

Q. I will point out that this letter is written in English, is it not?

A. Yes.

Q. Do you read English?

A. Yes.

Q. Okay.

Because if you will forgive me, it seems that you have had a hard time understanding some of the questions I have asked.

A. Yes, I know.

Q. Am I correct?

A. I read. I understand what this is.

Q. Well, what is it that you understand this letter to say?

A. I read. I ordered this product Babushkino and that's it. I understand. I understand company and I ordered it. That's it. That's it.

MR. THOMPSON: Could you read that back?

(Record read back.)

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Q. Did you have the letter translated for you before you signed it?

A. I understand this English. I understand.

Q. Oh, so Alex Bekker told you what the letter said?

A. Alex. Second. Alex read me. I say I understand. I understand what is this letter. I remember this product. And that's it.

Q. Now, you said that Alex read it to you.

Did he read it to you in English or in Russian?

A. English, Russian.

Q. So Mr. Bekker translated the letter for you?

A. Yes. I understand myself. I understand.

Q. Now, at the time the letter was signed in June of 2003, you were not then the manager of Beluga Caviar, is that right?

A. What is this?

Q. At the time you signed this

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letter --

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A. Yes.

4

Q. -- you were not --

5

A. Not.

6

Q. -- the manager, is that correct?

7

A. Yes, yes, correct.

8

Q. And would it be fair to state

9

that Beluga Caviar did not buy products from

10

anybody after they went out of business, isn't

11

that right?

12

A. Yes. 2002 company closed.

13

Q. Do you know why it closed?

14

A. I don't know. Out of business.

15

Q. You don't know?

16

A. Out of business, I guess.

17

Q. You know nothing about why it

18

closed?

19

A. No.

20

Q. Well, who were the owners of the

21

company?

22

A. Michael Lembersky.

23

Q. Do you know where Mr. Lembersky

24

is now?

25

A. No.

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2 Q. Do you know what would have
3 happened with any documents that were held by
4 Beluga Caviar?

5 A. I don't know.

6 Q. Now, you said that you received
7 large pieces of paper from Four Seasons for
8 when you ordered the products from them, is
9 that right?

10 A. (Shook head)

11 THE COURT REPORTER: Is that a
12 "yes"?

13 A. Yes. I don't know where is
14 paper. The company closed.

15 Q. I am just trying to go through it
16 one step at a time.

17 The size of the paper, was it
18 about the size of Exhibit 8?

19 A. Yes, big size.

20 MR. THOMPSON: Which is, for the
21 record, an eight and a half by 11 piece
22 of paper.

23 Q. When you got these documents,
24 what did you do with them?

25 A. I check and correct and give my

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boss and that's it.

Q. So you gave them to your boss?

A. Yes.

Q. Do you know what your boss did with them?

A. Sorry. I don't know.

Q. Do you know if he put them away someplace?

A. I don't know where he keep it. I don't know.

Q. Okay.

Who was your boss?

A. My boss, Michael Lembersky.

Q. That is the person -- the owner of the business is the person to whom you gave the papers, is that right?

A. Yes. Yes.

Q. Do you know someone named Alex Lembersky?

A. Yes, his son, son, son.

Q. Was he in the business also?

A. Yes, together in the business.

Q. Now, were you the manager of the entire store or just of a department of the

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store?

MR. FRIEDMAN: I am just going to object with respect to store.

Q. I'm sorry, of the business, Beluga Caviar, were you the manager of the entire company, Beluga Caviar, or only of a part of Beluga Caviar?

A. I don't understand the question.

Q. In other words, did they have different departments inside?

A. No, only one department.

Q. And you were the manager of the entire Beluga Caviar?

A. Yes, yes.

Q. So, for example, there was no fish department?

A. No, ~~no, no~~. *The warehouse was not divided into departments, but we also sold meat and fish. AG*

Q. No meat department?

A. No, no.

Q. Just one department?

A. One department, yes.

Q. So you were in charge as manager, when you became manager, of ordering all of the products for Beluga Caviar --

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A. Yes.

Q. -- is that right?

A. Yes.

Q. And they were located at what address?

A. 32 Second Avenue.

Q. That is the address that appears at the top of Exhibit 8, is that right?

A. Yes.

Q. Do you know where the products were stored after you bought them? Where did they go?

A. Sale for stores.

Q. Did they immediately go out to the stores for sale, or were they put someplace first?

MR. FRIEDMAN: Object to the form.

Q. Would you like me to ask the question differently?

A. Yes.

Q. You said that the products were delivered -- came on a truck from Alex and Oleg, is that right?

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A. Yes.

Q. When the products came off the truck, what happened to them?

A. Yes. The delivery, I say how many cases and I check them, that's it.

Q. But what did you do with the things that came off of the truck? What did you do with those things?

A. I put them on floor.

Q. Okay.

You just put them on the floor?

A. Yes. I check and that's it.

Q. After they went on the floor --

A. Yes.

Q. -- where did they go?

A. Put in the refrigerator.

Q. So they took them off the floor and put them in the refrigerator?

A. Yes.

Q. Where did this happen? At what address?

A. What address? 32 Second Avenue.

Q. So all of this happened at 32 Second Avenue?

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A. Yes.

THE WITNESS: My car, I need to
put in --

MR. THOMPSON: The meter?

THE WITNESS: The meter.

MR. THOMPSON: Do you want to
take a break?

THE WITNESS: Yes.

(Recess taken.)

BY MR. THOMPSON:

Q. Mr. Golub, a few more questions.
Did you order from any companies
besides Four Seasons when you were the manager
there?

A. Yes.

Q. Did you ever order from a company
called Silver Star?

A. Silver Star? No.

Q. Did you ever order from a company
called Heini's?

A. Heini's, yes.

Q. What did you order from them?

A. Cheese.

MR. FRIEDMAN: Is this like the

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Heinz ketchup company?

MR. THOMPSON: H-E-I-N-I,

apostrophe S.

A. Yes, my boss order from this company.

Q. Your boss ordered from them?

A. Yes.

Q. You said the products you ordered from them were cheeses --

A. Yes.

Q. -- is that right?

A. Yes.

Q. Now, you said you didn't order from them personally?

A. This cheese, Company Hills, Hills -- one second, Hills Company, yes, cheese.

Only boss order this company.

Q. So you weren't the only person at Beluga who placed orders during the time that you were manager --

A. Yes.

Q. -- is that correct?

A. Yes.

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Q. Who else besides you and your boss placed orders for Beluga Caviar when you were there?

3

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A. Boss and wife, son ordered.

6

Q. So several people ordered?

7

A. Yes.

8

Q. Not just you?

9

A. I order it, dairy product and Kielbasa, sausage, I order. This company, Heini's, was big company, and cheese, only boss ordered.

10

11

12

13

Q. Now, you said that you ordered dairy products for the company?

14

15

A. Yes.

16

Q. Do you not consider cheese a dairy product?

17

18

A. This company, yogurt, cheese, order it only boss, no me.

19

20

Q. Did you ever see a product from Heini's called Babushka?

21

22

A. Babushka, no, no.

23

Q. Or anything similar like Babushkino?

24

25

A. No, only one company.

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Q. The only company you ever saw
selling a product --

3

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A. Yes.

5

Q. -- called Babushki?

6

A. Babushki.

7

Q. And that was?

8

A. The only one company.

9

Q. That was from Four Seasons?

10

A. Four Seasons, yes.

11

Q. Have you ever been to a Russian
market?

12

13

MR. FRIEDMAN: Object to the

14

form.

15

Q. Do you understand my question?

16

A. Russian market order it. I no
order it for Russian market. Only my boss
order it. I don't know.

17

18

Q. I'm sorry I wasn't clear. I
apologize.

19

20

Did you personally ever visit a
Russian supermarket?

21

22

A. I work as driver. I -- I go
Russian market, Russian store.

23

24

Q. When you visited Russian stores,

25

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2 did you ever see any products under the name
3 that was sold under the name Babushka?

4 A. No. No. No. No.

5 Q. Or any products called Babushkino
6 other than the Four Seasons product?

7 A. No. No.

8 Q. What kind of products do you
9 deliver for Frazier Trading?

10 A. I deliver supplies, supplies,
11 some supply.

12 Q. I'm sorry, are they like
13 supplies, like papers and pens? Or are they
14 dairy goods?

15 A. No dairy goods.

16 Q. No dairy products?

17 A. No.

18 Q. So it is just general office
19 supplies that Frazier Trading delivers?

20 A. Yes, in the office.

21 Q. Are you familiar with the company
22 called Bunker Hill Cheese?

23 A. No.

24 Q. No. Did anyone other than you
25 and your boss order dairy products for Bunker

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Hill -- excuse me, let me start over.

Did anyone besides you and your boss ever order dairy products for Beluga Caviar?

A. Beluga Caviar, I order it, butter and Brinza and that's it. My boss ordered cheese. That's it.

Q. So you only ordered butter and Brinza?

A. Yes.

Q. He ordered cheese?

A. Yes.

Q. Were there other dairy products that were ordered by Beluga Caviar? For example, milk?

A. No. Milk, no.

Q. Never ordered milk?

A. No.

Q. Is it that Beluga Caviar didn't order milk, or you, personally, did not order milk for Beluga Caviar?

A. Beluga Caviar, I don't -- don't sell milk.

Q. Okay.

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2 Did you sell any other kind of
3 dairy product like yogurt?

4 A. Yogurt? No.

5 Q. Kefir?

6 A. Kefir, Kefir, Kefir -- Kefir, no,
7 no Kefir. No Kefir.

8 Q. How about sour cream?

9 A. Sour cream, sour cream, one
10 second. Sour cream. No sour cream, no.

11 Q. So the only dairy products that
12 Beluga Caviar ordered were butter and cheese?

13 A. Yes.

14 Q. And Brinza, is that right?

15 A. Yes. Yes.

16 Q. And you were only responsible for
17 ordering the butter and the Brinza --

18 A. Yes.

19 Q. -- is that correct?

20 A. Yes.

21 Q. Are you familiar with a company
22 called Roman & Sons?

23 A. Roman & Sons? No.

24 MR. FRIEDMAN: Note my continuing
25 objection to this line of questioning

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as exceeding the scope of direct.

MR. THOMPSON: If I could just have a minute, I want to review my notes.

I may be concluded.

I just want to double check.

(Off the record.)

(Recess taken.)

BY MR. THOMPSON:

Q. Mr. Golub, do you have any documents that would establish that you were, in fact, a manager at Beluga Caviar?

A. I'm sorry. No records. No.

Q. You have no documents --

A. No.

Q. -- showing that you --

A. No.

Q. Do you have any documents showing that you worked there at all?

A. No.

Q. Do you have any pay stubs?

A. Pay stub?

Q. I'm sorry.

Do you know what a pay stub is?

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A. What do you mean?

Q. How were you paid at Beluga Caviar? Were you paid by check or by cash?

A. Check, check.

Q. Do you have copies of any of those checks?

A. No. I rip it and -- no, no.

Q. Do you have any copies of tax documents from Beluga Caviar?

A. Sorry. No. No.

Q. Are you familiar with the term a W-2 Form?

A. No. No. I put in garbage, long ago.

Q. First my question was, do you know what a W-2 Form is?

A. I know. I know. I know. Yes.

Q. So you threw out all your W-2 forms that you received --

A. Yes, yes.

Q. -- from Beluga?

A. Yes, yes, I receive, yes.

Q. And you have no papers at all to show that you worked there?

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A. I'm sorry.

Q. Okay.

Do you know anyone else who could testify that you worked there?

A. I don't know no one.

MR. THOMPSON: I will just note for the record that I object to this testimony.

Having had the opportunity now to cross-examine him, I believe that we should have had a translator here for this testimony. It's been difficult to try to cross-examine him.

He has had a hard time with many of the questions that were asked, particularly, I think, on cross-examination. And that could not be established until I started to ask my questions. And as such, I object to the entirety of this testimony.

MR. FRIEDMAN: I note your objection. I think that it is unwarranted. I think that the questions to which you feel that the

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witness did not understand the question, were questions that exceeded the scope of direct examination. I think for the purpose of matters that are relevant to this testimony, the witness does speak sufficient English.

But, you know, perhaps you will take his testimony during your testimony period.

MR. THOMPSON: But as for now, I am concluded with my cross-examination.

MR. FRIEDMAN: Very well.

MR. THOMPSON: Do you have any redirect?

MR. FRIEDMAN: I have no further questions.

MR. THOMPSON: Thank you very much, Mr. Golub.

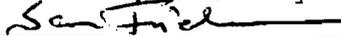
MR. FRIEDMAN: Thank you.

(Time noted: 11:03 a.m.)



ARKADY GOLUB

Subscribed and sworn to before me this 15th day of October 2008.



NOTARY PUBLIC

SAMUEL FRIEDMAN
Notary Public, State of New York
No. 31-5006588
Qualified in New York County
Commission Expires Jan. 4, 2011

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April 17, 2008

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C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

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

That I reported the proceedings in the within entitled matter, and that the within transcript is a true record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of May, 2008.

Nikki Montello
NIKKI MONTELLO

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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
Pittman-1
 4/10/08 BR

EXHIBIT
 Four Seasons
Gold Star
 #92042082

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PETITIONER'S EXHIBIT 3

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

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Gold Star
#92042082

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15			[REDACTED]

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Trade Secret/Commercially Sensitive

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET SUITE C5
BROOKLYN, NY 11223

M TEL (917) 805-4005

01-15-99

Address *Odessa*

Reg. No.	Clerk	Account Forward
1		
2	<i>ROBERT SKRY</i>	
3		
4	<i>ISABUINA</i>	
5		
6		
7		
8		
9		
10	<i>3A KETMAN</i>	
11	<i>12/11-14</i>	
12		
13		
14		
15		

8829-11

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET SUITE C5

BROOKLYN, NY 11223

M. TEL: (917) 805-4895

01-17-99

Address

6060-15th Ave

Reg. No.	Clerk	Account Forward
1	BV HER BAZIANS	221
2	BV HER VOLIOGA	30
3	BRIANZA ODES	1295
4	SPRING CHEESE	12
5	BABY BRIANZA	11.68
6	SUBTINI CHEESE	12.87
7	COLD KEY	
8	BV HER VOLIOGA	30
9	BRIANZA ODES	12.00
10	SPRING CHEESE MARIN	12
11	SPRING CHEESE	1235
12	SUBTINI CHEESE	1256
13	BRIANZA PARY	1233
14		8829-12
15		

200 Your Account Stated to Date

Trade Secret/Commercially Sensitive

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 805-4895

01-17-93

Address: *G X C 114*

Reg. No.	Clerk	Account Forward	
1	<i>B. 6077</i>	<i>212</i>	[REDACTED]
2	<i>B. 6077</i>	<i>212</i>	[REDACTED]
3	<i>B. 6077</i>	<i>172</i>	[REDACTED]
4	<i>B. 6077</i>	<i>172</i>	[REDACTED]
5	<i>172</i>		[REDACTED]
6			[REDACTED]
7			[REDACTED]
8			[REDACTED]
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14			
15			

8829-13

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE Q5
BROOKLYN, NY 11223
M TEL (917) 805-4896

Address *TARP or other*

Reg. No.	Clerk	Account Forward
1	<i>B. 6679 2/10/4</i>	[REDACTED]
2		
3	<i>BABYDIA</i>	
4	<i>B. 6679 2/10/4</i>	[REDACTED]
5	<i>F. 110002</i>	
6		
7		[REDACTED]
8		
9		
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12		
13		
14		8829-14
15		

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
M. TEL. (917) 895-4695
Address: *M.A. Ocean*

01-17-99

Reg. No.	Clerk	Account Forward	
1			
2	<i>F.F.D.</i>	<i>J.M.</i>	
3			
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8829-15

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
M TEL: (917) 805-4695 *0-1793*

Address *Albany*

Reg. No.	Clerk	Account Forward	
1	<i>F. F. D.</i>	<i>25</i>	[REDACTED]
2	<i>V. J. D. G. D.</i>	<i>30</i>	[REDACTED]
3	<i>S. J. R. I. N. G. L.</i>	<i>12</i>	[REDACTED]
4			
5			
6			[REDACTED]
7			[REDACTED]
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8829-16

1200 Your Account Stated to Date - If Error is Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends,
 if we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC. / + 11223
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 M. TEL (917) 805-4885

Address *Soll*

Reg. No.	Clerk	Account Forward
1	<i>Don Brock</i>	<i>162</i>
2	<i>Bob Smith</i>	<i>162</i>
3	<i>DAVID</i>	<i>162</i>
4	<i>Adena</i>	<i>162</i>
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8829-17

Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223

M TEL: (917) 805-8895

Address

Reg. No.	Clerk	Account Forward
1	B. U. P. O. W.	44
2	B. U. G. B. S. U. D. H.	44
3	F. F. A.	44
4	B. A. I. N. Z. A. B. A. R. H. 1/89	44
5		
6		
7		
8		
9		
10	B. N. K. T. P. O. D.	44
11	40660 C. M. H.	44
12	444-442	44
13		
14	8829-1	44

Your Account Stated to Date & If Error Is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

OUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M. TEL: (317) 805-4698

01-17-98

Address

620 1/2 N. ...

Reg. No.	Clerk	Account Forward
1	B. B. ...	[REDACTED]
2	B. H. ...	[REDACTED]
3		[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	BALANCE	[REDACTED]
7		[REDACTED]
8		[REDACTED]
9		[REDACTED]
10		
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14		
15		

8829-19

Your Account Stated to Date - If Error's Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL (917) 805-4695

01-17-95

M. Address *J.M. LIND*

Reg. No.	Clerk	Account Forward	
1	<i>10-26 KDW</i>	<i>524</i>	[REDACTED]
2	<i>10-26 BABS</i>	<i>24</i>	[REDACTED]
3	<i>10-26 V226</i>	<i>432</i>	[REDACTED]
4	<i>10-26 TAD</i>	<i>335</i>	[REDACTED]
5	<i>10-26 BART</i>	<i>275</i>	[REDACTED]
6	<i>11-354-1142</i>		[REDACTED]
7	<i>12-11-1240</i>		[REDACTED]
8	<i>12-11-1240</i>		[REDACTED]
9	<i>12-11-1240</i>	<i>258</i>	[REDACTED]
10	<i>12-11-1111</i>		[REDACTED]
11	<i>12-11-1111</i>	<i>876</i>	[REDACTED]
12	<i>12-11-1111</i>		[REDACTED]
13	<i>12-11-1111</i>		[REDACTED]
14	<i>12-11-1111</i>		[REDACTED]
15	<i>12-11-1111</i>		[REDACTED]

[Signature]
 8829

1200 Your Account Stated to Date: If Error is Found Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET SUITE C5

BROOKLYN, NY 11223

M TEL (917) 805-4895

Address

Reg. No.	Clerk	Account Forward		
1	10/10/06	287		
2	4381419			
3				
4	BALON			
5				
6				
7				
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15				

8829-21

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1730 WEST 4th STREET SUITE G5
 BROOKLYN, NY 11223
 M. TEL (917) 806-4885

01-19-99

Address

WILLIAM WARE

Reg. No.	Clerk	Account Forward
1	BAK V2100	310
2	BAK MA 2M	34
3	BAK VOW	210
4	BAK BABUSHT	
5		
6		
7	BAK	
8		
9		
10		
11		
12		
13		
14		8829-22
15		

1209 Your Account Shipped to Date - If Error is Found, Return to Origin

Trade Secret/Commercially Sensitive

10852

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY
1710 WEST 4th STREET
BROOKLYN, NY 11223
M. TEL. (817) 805-4999

Address *Food BAZAR*

Reg. No.	Clerk	Account Forward
1	<i>BRAD WMA</i>	<i>01</i>
2	<i>VERNONA</i>	<i>80</i>
3	<i>BRAD WMA</i>	<i>115</i>
4		
5		
6		
7		
8		
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8879-23

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

LET (S) ON THE
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 FOR (S) ON THE
 FOR (S) ON THE

FOUR SEASONS DAIRY, INC.

1710 WEST 41ST STREET SUITE C5
 BROOKLYN, NY 11223

M TEL (917) 993-4895

DI-22-8999

Address *DI-60-17-2*

Reg. No.	Clerk	Account Forward		
1	<i>BARBARA</i>	<i>1/5</i>		
2	<i>VOLKOW</i>	<i>1/5</i>		
3	<i>TANBY</i>	<i>1/4</i>		
4				
5				
6				
7				
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14				
15				

8829-24

1200 Your Account Stated to Date. If Error is Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

ALERT (812) 402-4086
 110 MERIDEN STREET, SUITE 1100
 NEW HAVEN, CT 06510

FOUR SEASONS DAIRY INC. 22 1998
 1710 WEST 4th STREET, SUITE C3
 BROOKLYN, NY 11223
 M TEL: (917) 805-4885

Address *ORA*

Reg. No.	Clerk	Account Forward		
1				
2	<i>Barbara</i>			
3				
4				
5				
6				
7				
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10				
11				
12				
13				
14				
15				

8829-25

1200 Your Account Stated to Date. If Error is Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL (917) 605-1005

01-23-93

Address

Reg. No.	Clerk	Account Forwards
1	<i>[Handwritten]</i>	<i>[Redacted]</i>
2	<i>[Handwritten]</i>	<i>[Redacted]</i>
3		
4		
5		<i>[Redacted]</i>
6		<i>[Redacted]</i>
7	<i>[Handwritten]</i>	<i>[Redacted]</i>
8		
9		<i>[Redacted]</i>
10		<i>[Redacted]</i>
11		
12		
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14		
15		

8829-26

Your Account Stated to Be Correct. If Error is Found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

Call Again

THANK YOU

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE 05
 BROOKLYN, NY 11223
 M. TEL. (817) 806-4695

Address WAT PULASKA

Reg. No.	Clerk	Account Forward
1	B. W. V. 206	3.2
2	B. W. V. 206	8.4
3	B. W. V. 206	4.4
4	B. W. V. 206	10.0
5	B. W. V. 206	11.0
6	B. W. V. 206	12.0
7	B. W. V. 206	13.0
8		
9		
10	B. W. V. 206	
11		
12		
13		
14		8829-27
15		

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and hope we may continue to merit it. If we please you, tell your friends. If we don't, tell us. We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE 05

BROOKLYN, NY 11223

M. TEL (917) 805-4895

Address

Reg. No.	Clerk	Account Forward
01	B. G. Kow	01 x 2
52	B. G. Kow	01 x 3
73	B. G. Kow	01 x 4
84	V. P. O'Connell	01 x 5
6	B. G. Kow	01 x 6
7	B. G. Kow	01 x 7
8	B. G. Kow	01 x 8
9		
10		
11		
12		
13		
14		8829-28
15		

Account is valid to date. If error is found, return at once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET SUITE C5

BROOKLYN, NY 11223

M TEL (917) 885-4695

Address *Dessa*

Reg. No.	Clerk	Account Forward
1	<i>Colubera</i>	[REDACTED]
2	<i>B. G. B. D.</i>	[REDACTED]
3	<i>B. G. B. D.</i>	[REDACTED]
4	<i>B. G. B. D.</i>	[REDACTED]
5	<i>B. G. B. D.</i>	[REDACTED]
6		
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8829-29

Our Account Stated to Date - If Error is Found, Return to Us

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE 05
 BROOKLYN, NY 11223
 M TEL (917) 805-4695

Address: *6012 Avenue A*

Reg. No.	Order	Account Forward
151	<i>12/16/2010</i>	<i>151</i>
102	<i>12/16/2010</i>	<i>102</i>
13	<i>12/16/2010</i>	<i>13</i>
24	<i>12/16/2010</i>	<i>24</i>
5	<i>12/16/2010</i>	<i>5</i>
616	<i>12/16/2010</i>	<i>616</i>
7	<i>12/16/2010</i>	<i>7</i>
8	<i>12/16/2010</i>	<i>8</i>
9		
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8829-3

Trade Secret/Commercially Sensitive

1200 Your Account Stated to Date: If Entry

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 3710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL (817) 805-3505

Address: *6140 13th St NW*

Reg. No.	Clerk	Account Forward
1	<i>1500000000</i>	<i>8110</i>
2	<i>1500000000</i>	<i>9120</i>
3	<i>1500000000</i>	<i>9130</i>
4	<i>1500000000</i>	<i>9140</i>
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8829-31

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL. (817) 805-4085

M. _____

Address _____

Reg. No.	Clerk	Account Forward
1	YOUNG	[REDACTED]
2	YOUNG	[REDACTED]
3		
4	B. G. F. O.	[REDACTED]
5		
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8829-32

1200 Your Account Stated in Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4TH STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL (017) 865-4685

OF 2146

Address

MAILED

Reg. No.	Clerk	Account Forward	
1	B. G. 1945	04	[REDACTED]
2	R. G. 104	01	
3	R. G. 102	30	
4			[REDACTED]
5			
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8829-33

Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 TEL (917) 806-4896

917-269-919

Address *Milford MA 01850*

Reg. No.	Clerk	Account Forward	
1	<i>J Adams</i>	<i>30</i>	[REDACTED]
2	<i>U2106012</i>	<i>330</i>	[REDACTED]
3	<i>Subbin</i>	<i>320</i>	[REDACTED]
4			[REDACTED]
5			[REDACTED]
6			[REDACTED]
7	<i>Blair</i>		[REDACTED]
8			[REDACTED]
9			[REDACTED]
10			[REDACTED]
11			[REDACTED]
12			[REDACTED]
13			[REDACTED]
14		<i>8829-34</i>	[REDACTED]
15			[REDACTED]

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
hope we may continue to merit it.
If we please you, tell your friends.
If we don't, tell us.
We strive to satisfy.

THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.
1740 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL. (917) 805-4665

012692

Address GOLD BEACH - MEXICO

Reg. No.	Clerk	Account Forward	
1	1266	can - 1/23	[REDACTED]
2	[REDACTED]	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]	[REDACTED]

8829-35

1200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 - If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C6
 BROOKLYN, NY 11223
 TEL (917) 805-4695

01-29-9

Address MATPOLO

Reg. No.	Clerk	Account Forward
1	BARBARA	
2	BARBARA	
3	VOLOBOYS	
4	BARBARA	
5	BARBARA	
6	JOHN	
7	414746	
8		
9		
10		
11	BARBARA	
12		
13		
14		
15		
16		

8829-36

1200 Your Account Stated to Date - If Error is Found, Please Call

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET - SUITE C5
 BROOKLYN, NY 11223
 M TEL: (917) 805-4695

Address *01-1270*

Reg. No.	Clerk	Account Forward
1	<i>12/06/02</i>	<i>2155</i>
2	<i>12/06/02</i>	<i>2155</i>
3	<i>12/06/02</i>	<i>2155</i>
4	<i>12/06/02</i>	<i>2155</i>
5	<i>12/06/02</i>	<i>2155</i>
6	<i>12/06/02</i>	<i>2155</i>
7	<i>12/06/02</i>	<i>2155</i>
8		
9		
10		
11		
12		
13		
14		<i>8829-37</i>
15		

1200 Your Account Stated to Date, if Error Report Immediately

Trade Secret/Commercially Sensitive

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 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 M TEL (917) 805-4895

Address 670 1st St

Reg. No.	Clerk	Account Forward	
1	<i>B. B. ...</i>	<i>15.00</i>	[REDACTED]
2	<i>...</i>	<i>30.00</i>	[REDACTED]
3	<i>...</i>	<i>...</i>	[REDACTED]
4	<i>...</i>	<i>...</i>	[REDACTED]
5			[REDACTED]
6	<i>...</i>		[REDACTED]
7			[REDACTED]
8	<i>BALANCE</i>		[REDACTED]
9			[REDACTED]
10			[REDACTED]
11	<i>PAID</i>		[REDACTED]
12	<i>...</i>		[REDACTED]
13	<i>...</i>		[REDACTED]
14		8829-38	

Your Account Stated to Date - If Error is Found, Return at Once

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We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

A & D CORP
FOUR SEAS DAIRY, INC.
 1710 BROOKLYN STREET, SUITE C5
 BROOKLYN, N.Y. 11223
 M TEL: (817) 805-4695

Address _____

Reg. No.	Clerk	Account Forward	
1	W. J. ...	1250	[REDACTED]
2	B. ...	1250	[REDACTED]
3	A. ...	1250	[REDACTED]
4	B. ...	1250	[REDACTED]
5			
6			[REDACTED]
7			[REDACTED]
8			[REDACTED]
9	120600	15	[REDACTED]
10			[REDACTED]
11			
12			[REDACTED]
13			[REDACTED]
14	8829-3		[REDACTED]
15			

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 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 41ST STREET SUITE 05
 BROOKLYN, NY 11223
 M. TEL. (917) 895-4895

Address

Reg. No.

Clerk

Account Forward

1

2

3

4

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11

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15

8829-40

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If we please you, tell your friends.
If we don't, tell us.
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THANK YOU
Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE C5

BROOKLYN, NY 11223

M. TEL: (917) 806-4895

Address:

Reg. No. *01510* Clerk *0131* Account Forward

Reg. No.	Clerk	Account Forward
1	<i>BONNIE BROWN</i>	
2	<i>STRINE MARIAN</i>	
3	<i>STRINE PERIN</i>	
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14	<i>8829-41</i>	
15		

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THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL: (917) 805-4695

Address _____

Reg. No. 6010 Clerk K/A Account Forward Asst

1	BQ/KA Ouch	11.70	
2	BQ/KA BAR	11.30	
3	WOOD - KEY		
5	B/B/B V/OBAS	30	
6	BQ/KA Ouch	2.9	
7	SULLIVAN	1.5	
8	S/N/B Chem	6.40	
9			
10			
11			
12			
13			
14		8829-42	
15			

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 hope we may continue to merit it.
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 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY-11223
 TEL. (917) 805-4695

M Address ETC

Reg. No.	Clerk	Account Forward
1	B. R. 6600	342
2		
3	B. R. 6600	2430
4	B. R. 6600	126
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		8829-43
15		

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 hope we may continue to merit it.
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 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY, 11223
 M TEL (917) 805-4885

01-31-99

Address _____

Reg. No.	Clerk	Account Forward
1	TRISTE	<input type="checkbox"/>
2	Bella	<input type="checkbox"/>
3	Bella	<input type="checkbox"/>
4		<input type="checkbox"/>
5		<input type="checkbox"/>
6		<input type="checkbox"/>
7		<input type="checkbox"/>
8		<input type="checkbox"/>
9		<input type="checkbox"/>
10		<input type="checkbox"/>
11		<input type="checkbox"/>
12		<input type="checkbox"/>
13		<input type="checkbox"/>
14		<input type="checkbox"/>
15		<input type="checkbox"/>

8829-44

1200 Your Account Stated to Date - If Error is Found: Return at Once

Trade Secret/Commercially Sensitive

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THANK YOU
Call Again

FOUR SEASONS DAIRY INC.
1710 WEST 4th STREET, SUITE C5
BROOKLYN, NY 11223
TEL: (917) 805-4695

Reg. No.	Order No.	Account Forward
1	10/10/11	
2	10/10/11	
3	10/10/11	
4	10/10/11	
5	10/10/11	
6	10/10/11	
7	10/10/11	
8	10/10/11	
9	10/10/11	
10	10/10/11	
11	10/10/11	
12	10/10/11	
13	10/10/11	
14	10/10/11	
15	10/10/11	

8829-1

1200 Your Account is dated to Date. If error is found, Return at Once.

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET SUITE C5
 BROOKLYN, NY 11223
 M TEL: (718) 905-4695

Q-2198

Address *AAI Ave 102nd St*

Rep. No.	Clerk	Account Forward
1	<i>B. 48</i>	<i>532</i>
2	<i>B. 46</i>	<i>24</i>
3	<i>B. 46</i>	<i>JUL 6 123</i>
4	<i>B. 46</i>	<i>MAY 123</i>
5		
6		
7		
8		
9	<i>B. 46</i>	
10		
11		
12		
13		
14		8829-46
15		

1200 Your Account Stated to

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

OUR SEASONS DAIRY, INC.

710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL. (917) 805-4695

M *070128*
 Address

Reg. No.	Clerk	Account Forward
1	<i>MICHAEL</i>	<i>376</i>
2	<i>BOJUN</i>	<i>57</i>
3	<i>LOW</i>	<i>877</i>
4	<i>HATAM</i>	<i>16</i>
5	<i>BOJUN</i>	<i>16</i>
6		
7		
8		
9	<i>BOJUN</i>	
10		
11		
12		
13		
14	<i>8829-4</i>	
15		

1200 Your Account Stated to Date - 15 Once

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We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 TEL (917) 805-4895

Address MAA

Reg. No.	Clerk	Account Forward
1	<i>[Handwritten]</i>	<i>[Handwritten]</i>
2	<i>[Handwritten]</i>	<i>[Handwritten]</i>
3		
4		
5		
6		
7	<i>[Handwritten]</i>	<i>[Handwritten]</i>
8		
9		
10		
11		
12		
13		
14		8829-48
15		

1200 Your Account Stated to Date - If Error is Found, Return at Once

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Call Again

THANK YOU

FOUR SEASONS DAIRY, INC.
 1710 WEST 4th STREET, SUITE C5
 BROOKLYN, NY 11223
 M TEL. (917) 806-4695

Address *Heano*

Reg. No.	Clerk	Account Forward
1	<i>F.F.O. J. J. J.</i>	[REDACTED]
2		[REDACTED]
3		
4		
5		[REDACTED]
6		[REDACTED]
7		
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11		
12		
13		
14		
15		

8829-49

200 Your Account Stated to Date - If Error is Found, Return at Once

Trade Secret/Commercially Sensitive

We appreciate your patronage and
 hope we may continue to merit it.
 If we please you, tell your friends.
 If we don't, tell us.
 We strive to satisfy.

THANK YOU
 Call Again

FOUR SEASONS DAIRY, INC.

1710 WEST 4th STREET, SUITE 05
 BROOKLYN, NY 11223
 M TEL (917) 805-4695

Address

Reg. No.	Clerk	Account Forward	
1	F.F.A.	Y.M.	[REDACTED]
2			[REDACTED]
3			[REDACTED]
4			[REDACTED]
5			[REDACTED]
6			[REDACTED]
7			[REDACTED]
8	ROSE WILSON		[REDACTED]
9			[REDACTED]
10			[REDACTED]
11			[REDACTED]
12			[REDACTED]
13			[REDACTED]
14		8829-5	[REDACTED]
15			[REDACTED]

1200 Your Cashier's Stamp is the Best. If Errors Found, Return at Once.

Trade Secret/Commercially Sensitive

R BALL

W STAR

NATURAL

RELUCA

VICTORIA

NATIONAL

MILLERS

NATION

SECRET

SECRET

SECRET

NATIONAL

TRIP

NATIONAL

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Handwritten text, possibly a signature or date, at the top of the document.

Trade Secret/Commercially Sensitive

PETITIONER'S EXHIBIT 8

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

BELUGA CAVIAR, INC.
32 SECOND AVENUE
BROOKLYN, NY
TEL. (718) 980-2190



May 6, 2003

To Whom It May Concern,

Please be advised that BELUGA CAVIAR, INC., has been buying the butter blend product from FOUR SEASONS DAIRY INC., 2402 65th St., Suite B3, Brooklyn NY 11204 under the BABUSHKINO (GRANDMATHERS) brand, since December 1997, under the A&O CORPORATION, and beginning in January 1999 under the FOUR SEASONS DAIRY INC.

BELUGA CAVIAR INC., has been purchasing this item from the FOUR SEASONS DAIRY INC., on a weekly basis.

Sincerely,

Arkadiy Golub

Manager