TTAB

THE UNITED STATES PATENT AND TRADEMARK OFI
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

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

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:**

Samuel Friedman
(Typed Name of Person Signing Certificate)

(Signature)

July 23, 2007
(Date)

PETITIONER'S MOTION FOR SANCTIONS PURSUANT TO TRADEMARK RULE 2.120(g)(1) AND REQUEST TO SUSPEND

COMES NOW, Petitioner, FOUR SEASONS DAIRY INC. (hereinafter "Petitioner"), by and through counsel and pursuant to Rule 37(b)(2) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120(g)(1), moves the Trademark Trial and Appeal Board (the "Board"), for an Order imposing sanctions upon Registrant, INTERNATIONAL GOLD STAR TRADING CORP. (hereinafter

07-31-2007
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #30

"Registrant"), due to its willful failure and refusal to comply with the Board's Order dated May 21, 2007. (A true copy of the Board's May 21, 2007 Order is annexed as **Exhibit A**).

STATEMENT OF FACTS

In its May 21, 2007 Order, the Board (1) denied Registrant's motion to reopen discovery, (2) found that Registrant's failure to serve timely responses to Petitioner's first set of interrogatories, first set of document requests and first set of requests of admission was not the result of excusable neglect, (3) granted Petitioner's motion to compel, (4) granted Registrant's motion to be allowed serve discovery responses with objections, (5) imposed its standard protective order; and (6) granted Registrant leave to serve responses to Petitioner's requests for admissions.

While Registrant has now served responses and objections to Petitioner's aforementioned discovery demands, it has willfully failed and refused to permit Registrant to inspect and copy the materials, or in the alternative to produce copies, as provided for in Fed.R.Civ.P. 34(b), Fed.R.Civ.P. 33(b) and Trademark Rule 2.120(d)(2).

On or about June 20, 2007, counsel for Registrant served Supplemental Responses to Petitioner's First Set of Discovery Demands, together with a cover letter dated June 20,

2007, indicating, inter alia, that it has gathered all responsive documents in counsel's office and wishes to exchange documents with the undersigned. (A true copy of the letter is annexed as **Exhibit B**. The Supplemental Response itself is not attached because it purports to contain confidential material).

On June 20, 2007, Petitioner timely served and filed its Acknowledgement of Agreement or Order Protecting Confidentiality of Information Revealed During Board Proceedings, executed by undersigned attorney for Petitioner (a true copy thereof is annexed as **Exhibit C**). On June 21, 2007, the undersigned transmitted by both fax and mail to counsel a request to inspect and copy the materials identified in Registrant's Responses to Petitioner's Discovery Demands (a true copy is annexed as **Exhibit D**). Therein, the undersigned offered a broad range of available dates, reprinted below for the convenience of the Board:

> Dear Mr. Thompson:
>
> I would like to arrange for the inspection and copying of the materials identified in Registrants' Responses to Petitioner's Discovery Demands.
>
> I am available to come to your offices on the following dates and times, for this purpose:

June 22 (Friday)	12:00 pm - 5:00 pm
June 25 (Monday)	9:00 am - 2:00 pm
June 26 (Tuesday)	9:00 am - 5:00 pm
June 27 (Wednesday)	9:00 am - 5:00 pm

June 28 (Thursday) 9:00 am - 5:00 pm
June 29 (Friday) 9:00 pm - 2:00 pm

Please advise me of your availability, as soon as possible.

Counsel for Registrant then transmitted correspondence dated June 22, 2007 demanding (1) that Petitioner itself (rather than by counsel) file acknowledgment of being bound by the TTAB Protective Order; and inquiring regarding Petitioner's production of documents pursuant to Petitioner's February 24, 2004 Responses and Objections to Registrant's First Set of Discovery. Registrant's counsel transmitted additional correspondence on or about June 27, 2007 further conditioning its compliance with the Board's May 21, 2007 Order on an "exchange" of documents. (True copies of the letters are annexed collectively as **Exhibit E**).

In response, on June 29 2007 the undersigned filed additional Notice of Acknowledgement of TTAB Protective Order executed by a principal of Petitioner, notwithstanding that Petitioner's undersigned counsel had previously filed.

On June 29, 2007 Petitioner further served a letter upon counsel for Registrant demanding inspection and/or production of documents as set forth in the Board's May 21, 2007 (A true copy of the letter is annexed as **Exhibit F**). Therein, the undersigned again declined to negotiate Registrant's

compliance with the Board's Order; and expressed the view that Petitioner is not required to exchange documents after the Board denied Registrant's motion to reopen discovery and granted Petitioner's motion to compel.

Counsel for Registrant thereafter sent further correspondence, conditioning its compliance with the Board's May 21, 2007 Order upon an exchange of documents, in complete disregard of the Board's denial of Registrant's Motion to Reopen Discovery. Thereafter, by letter dated July 6, 2007, transmitted by fax and mail, (annexed as **Exhibit G**) the undersigned demanded compliance by July 10, 2007. Registrant thereafter sent further correspondence demanding an exchange, but it has not produced any documents.

Petitioner respectfully submits that this Board's Order of May 21, 2007 is unambiguous in that it compels Registrant's compliance with mandated discovery; and does not condition it upon Petitioner's exchange of documents.

In 2004, Petitioner timely responded to Registrant's discovery demands and offered Registrant the opportunity to inspect and copy pursuant to Rule 2.120(d) of the Trademark Rules and Fed.R.Civ.P. 26(b). True copes of Petitioner's Responses and objections to Registrant's First Set of Discovery, served February 24, 2004 are annexed hereto as **Exhibit H.** Upon

information and belief, counsel for Registrant never availed itself or requested the opportunity to avail itself of the opportunity to inspect and copy, and has therefore waived, relinquished and abandoned its right to do so.

As Registrant has failed to comply with the Board's May 21, 2007 Order, Petitioner now files this Motion for Sanctions in order to complete discovery in order to be able to proceed with its testimony period.

ARGUMENT

The Board has entered an Order compelling Registrant to comply with its discovery obligations; and Registrant has refused to comply by unilaterally imposing unwarranted conditions upon its prospective compliance. Petitioner does not agree to Registrant's conditions and maintains that Registrant's compliance should be unconditional.

Under these circumstances, sanctions should be imposed upon Registrant as provided in Fed.R.Civ.P. 37(b)(2) such as striking its pleading or staying further proceedings until the Board's Order is obeyed pursuant to Fed.R.Civ.P. 37(b)(2)(c); and prohibiting the Registrant from introducing testimony or evidence concerning any alleged priority of use pursuant to Fed.R.Civ.P. 37(b)(2)(B). See also No Fear Inc. v. Rule, 54 USPQ2d 1551, 1554 (TTAB 2000)(applicant ordered to copy and

forward documents to opposer at applicant's expense); Baron Philippe de Rothchild S.A. v. Styl-Rite Optical Mfg. Co., 55 USPQ2d 1848, 1854 (TTAB 2000)(pattern of dilatory conduct indicated willful disregard of Board Order and resulted in entry of judgment).

Under Federal Rule 33(b)(1) Registrant is obligated to answer each interrogatory fully and completely and furnish all discoverable information requested. See Semper v. Johnson & Higgins, 45 F.3d 724, 734-735 (3d Cir. 1995); Martin v. Brown, 151 F.R.D. 580, 593 (W.D. Pa. 1993). Furthermore, Registrant has a similar duty under Rule 34 to respond to requests for production. See Fisher v. Marubeni Cotton Corp., 526 F.2d 1338, 1341-42 (8th Cir. 1975).[1] Registrant has failed to comply with said Rules. Thus, Petitioner will be severely prejudiced unless the Board sanctions and compels Registrant to respond fully to Petitioner's discovery requests.

Further, Petitioner has fully satisfied its obligation under 37 C.F.R. § 2.120 by making repeated follow-up good faith efforts to obtain the responsive documents in this matter.

CONCLUSION

Registrant has failed to satisfy its duty to comply with the Board's May 21, 2007 Order. Registrant should be

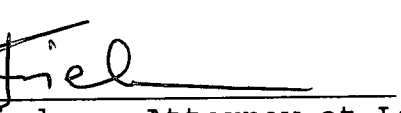
[1] Registrant has failed and refused to produce documents not only in response to Petitioner's Interrogatories, but also in response to Petitioner's Requests for Production.

sanctioned and compelled to fully answer Petitioner's First Set of Interrogatories by producing the responsive documents; and to promptly produce to Petitioner all documents and things demanded in Petitioner's Requests For Production of Documents. Furthermore, since the Petitioner's 30-day testimony period is now scheduled to open on or about July 25, 2007, the Board is requested to suspend the case with respect to all matters not germane to the motion, pursuant to TBMP §523.01(2) among other things, as this motion for sanctions is in certain respects a further motion to compel; and if deemed appropriate, to re-set the closing date for the discovery period so that it will remain open for a reasonable period of time following the Registrant's service of its responsive documents upon Petitioner, in order to give Petitioner a fair opportunity to serve follow-up discovery requests or object to any incomplete production. Petitioner further respectfully request such other, further and different relief as the Board deems just, proper and equitable.

Respectfully submitted,

FOUR SEASONS DAIRY, INC.

Dated: July 23, 2007

By: 

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

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

In the Matter of Registration No. 2479287
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

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing PETITIONER'S MOTION FOR SANCTIONS PURSUANT TO TRADEMARK RULE 2.120(g)(1) AND REQUEST TO SUSPEND in Cancellation Proceeding No. 92042082 entitled Fours Seasons Dairy, Inc. v. International Gold Star Trading Corp., was served by First Class Mail, on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176

Samuel Friedman

July 23, 2007
Date

EXHIBIT
A

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: May 21, 2007

Cancellation No. 92042082

Four Seasons Dairy, Inc.

v.

International Gold Star Trading Corp.

Andrew P. Baxley, Interlocutory Attorney:

This case now comes up for consideration of: 1) petitioner's motion (filed April 3, 2007) to compel discovery and to declare its requests for admissions to have been admitted; and 2) respondent's cross-motion (filed April 20, 2007) to reopen the discovery period, to allow it to serve discovery responses with objections, and for leave to amend its admissions.

The Board turns first to respondent's motion to reopen the discovery period, which closed on December 30, 2003. To obtain a reopening of the discovery period, respondent must show that its failure to act in a timely manner prior to the close of the discovery period was the result of excusable neglect. Although the parties have engaged in settlement negotiations since then, such negotiations do not rise to the level of excusable neglect. See *Atlanta-Fulton County Zoo Inc. v. De Palma*, 45 USPQ2d 1858 (TTAB

1998). Accordingly, the motion to reopen the discovery period is denied.

The Board turns next to petitioner's motion to compel and respondent's cross-motion to be allowed to serve discovery responses with objections. As an initial matter, the Board finds that petitioner made a good faith effort, as required by Trademark Rule 2.120(e)(1), to resolve the parties' discovery dispute prior to seeking Board intervention.

Although petitioner served its first set of interrogatories and first set of document requests on December 29, 2003, the parties have been engaged in settlement negotiations since then and have sought numerous extensions based on those negotiations. For the same reasons that the Board denied respondent's motion to reopen the discovery period, the Board finds that respondent's failure to serve timely responses to petitioner's first set of interrogatories, first set of document requests, and first set of requests for admissions was not the result of excusable neglect.[1] See *Atlanta-Fulton County Zoo Inc. v. De Palma, supra.* Nonetheless, the Board, in exercising its discretion to determine whether a party upon which discovery requests has been served has forfeited the right to object on the merits to those requests, finds that, under the circumstances in this case, petitioner should not receive the windfall of responses without objection to those interrogatories and document requests.[2] See *No Fear Inc. v. Rule*, 54 USPQ2d 1551, 1554 (TTAB

---

[1] With the exceptions of the time periods between October 18, 2004 and May 27, 2005 and between November 4, 2005 and June 6, 2006, when proceedings were suspended for settlement negotiations, dates continued to run in this case until opposer filed the motion to compel. Notwithstanding that the parties were negotiating to settle this case, respondent's discovery obligations were not tolled while dates were running.

[2] Contrary to petitioner's contention in its attorney's correspondence with respondent's attorney, a party who has propounded discovery requests may not unilaterally declare that a responding party which has failed to respond to those requests in

2000). Accordingly, petitioner's motion to compel and respondent's motion to be allowed to serve discovery responses with objections are granted.

Respondent is allowed until thirty days from the mailing date set forth in the caption of this order to serve responses to petitioner's first set of interrogatories and first set of document requests. Respondent is allowed until thirty days from the mailing date set forth in the caption of this order to select, designate and identify the items and documents, or categories of items and documents, to be produced in response to petitioner's first set of document requests and to notify petitioner that the selection, designation and identification of such items and documents has been completed.[3] Petitioner is allowed until thirty days from receipt of notification from respondent that the items or documents have been selected, designated and identified to inspect and copy the produced materials, as provided for in Fed. R. Civ. P. 34(b) and Trademark Rule 2.120(d)(2), unless the parties otherwise agree.[4]

To facilitate the orderly exchange of discovery, the Board hereby imposes its standard protective order, published in the *Official Gazette* on June 20, 2000 at 1235

---

a timely manner has forfeited its right to object on the merits thereto. Rather, the Board, upon filing a motion to compel, may find that a responding party which has failed to respond to discovery requests in a timely manner has forfeited its right to object on the merits to those requests. See TBMP Section 403.03 (2d ed. rev. 2004).

[3] If the materials are voluminous, respondent may produce a representative sampling and so inform petitioner that a representative sampling has been produced. See TBMP Section 402.02 (2d ed. rev. 2004).

[4] If respondent fails to comply with this order, petitioner's remedy lies in a motion for sanctions, pursuant to Trademark Rule 2.120(g)(1).

TMOG 670, on both parties to this proceeding.[5] A copy of the Board's standard form order is enclosed with each party's copy of this order. The parties are directed to file with the Board, within thirty days of the mailing date set forth in the caption of this order, signed copies of the attached acknowledgment form so that the terms of the protective order shall survive this proceeding.

The Board turns to respondent's motion for leave to amend its admissions. If a party upon which requests for admission have been served fails to timely respond thereto, the requests will stand admitted unless the party is able to show that its failure to timely respond was the result of excusable neglect or unless a motion to withdraw or amend the admissions is filed pursuant to Fed. R. Civ. P. 36(b) and granted by the Board. See Fed. R. Civ. P. 6(b) and 36(a); *Hobie Designs Inc. v. Fred Hayman Beverly Hills Inc.*, 14 USPQ2d 2064 (TTAB 1990). The Board, upon motion, may permit withdrawal or amendment of an admission when the presentation of the merits of the proceeding will be subserved thereby, and the propounding party fails to satisfy the Board that withdrawal or amendment will prejudice said party in maintaining its action or defense

[5] An electronic copy is available from the PTO website at http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm.

on the merits. See Fed. R. Civ. P. 36(b); *Hobie Designs Inc. v. Fred Hayman Beverly Hills Inc., supra.*

After reviewing the parties' arguments, the Board finds that allowing respondent to amend its admissions will subserve presentation of the merits of this case.[6] Moreover, there is no evidence that allowing respondent to amend its admissions will prejudice petitioner in maintaining its action on the merits herein. That is, petitioner has pointed to no specific evidence or witnesses that will be lost or unavailable. See *Pratt v. Philbrook*, 109 F.3d 18 (1st Cir. 1997). Accordingly, respondent's motion for leave to amend its admissions is granted to the extent that respondent is allowed until thirty days from the mailing date set forth in the caption of this order to serve responses to petitioner's requests for admissions.

Proceedings herein are resumed. The discovery period remains closed. Testimony periods are reset as follows.

Plaintiff's 30-day testimony period to close:	**8/24/07**
Defendant's 30-day testimony period to close:	**10/23/07**
Plaintiff's 15-day rebuttal testimony period to close:	**12/7/07**

[6] Although petitioner's requests for admission deal largely with allegations regarding possible nonuse abandonment of respondent's involved mark, petitioner has not pleaded a claim of abandonment in its petition to cancel.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

EXHIBIT
B

cplp

COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue, New York, NY 10176 *phone* 212.687.2770 *fax* 212.972.5487 www.cplplaw.com

Myron Cohen (1927-2005)
Thomas C. Pontani, Ph.D.
Lance J. Lieberman
Martin B. Pavane
Thomas Langer
Michael C. Stuart
William A. Alper
Edward M. Weisz
Kent H. Cheng, Ph.D.
Julia S. Kim
Alfred W. Froebrich
Lisa A. Ferrari
Alan J. Morrison

Sidney R. Bresnick
Of Counsel

Mindy H. Chettih
Vincent M. Fazzari
Alfred H. Hemingway, Jr.
Roger S. Thompson
Teodor J. Holmberg
Richard D. Margiano
Darren S. Mogil
David P. Badanes
Mher Hartoonian
Alphonso A. Collins
Douglas D. Zhang
Edward V. DiLello
Edward M. Reisner
Bradley M. Marazas
F. Brice Faller
Marilyn Neiman

Enshan Hong
Technical Advisor

June 20, 2007

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

Re: *Four Seasons Dairy, Inc. v. International Gold Star Trading Corp.*
T.T.A.B. Cancellation No. 92/042,082
Our ref.: 5060-2L

Dear Sam:

Pursuant to the TTAB Order dated May 21, 2007, enclosed are Gold Star's Supplemental Responses to Four Seasons' First Set of Discovery, and Acknowledgements signed by Robert Pincow on behalf of Gold Star, and myself. I await receipt of reciprocal Acknowledgements from you and Four Seasons. I provide the enclosed Supplemental Responses to you even without the Acknowledgement from you of being bound by the Board's Protective Order, but expect you consider yourself bound by it even in the absence of receipt of the Acknowledgement.

In light of the production of documents offered herewith, it is believed that the previously served responses to your Requests for Production have been duly served and that no amendment thereof is necessary. Likewise, since the previously served Responses to your Requests for Admissions did not reference the need for a Protective Order, no further responses are provided thereto.

I have gathered all documents that are believed to be responsive to your Requests for Production and am prepared to exchange them simultaneously for the documents requested from Four Seasons. Please let me know when you wish to hold the exchange, and the manner in which you propose we perform the exchange.

I believe this places Gold Star in complete compliance with the Board's rulings in its referenced Order. If you disagree, please let me know.

I look forward to hearing from you regarding the exchange of documents, and receipt of the Acknowledgements.

Very truly yours,
COHEN PONTANI LIEBERMAN & PAVANE LLP

Roger S. Thompson

RST/mam
cc: International Gold Star Trading Corp.
encl. - Supplemental Responses to Interrogatories
Acknowledgements

EXHIBIT
C

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

NOTICE OF FILING OF ACKNOWLEDGEMENT OF AGREEMENT OR ORDER PROTECTING CONFIDENTIALITY OF INFORMATION REVEALED DURING BOARD OF PROCEEDING

Petitioner Four Seasons Dairy Inc. hereby files Acknowledgement of Agreement or Order Protecting Confidentiality of Information Revealed During Board Proceeding in accordance with Order of the Board.

Dated: June 20, 2007
New York, New York

Respectfully submitted,

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

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:

Samuel Friedman
(Typed Name of Person Signing Certificate)

(Signature)

June 20, 2007
(Date)

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing ACKNOWLEDGEMENT OF AGREEMENT OR ORDER PROTECTING CONFIDENTIALITY OF INFORMATION REVEALED DURING BOARD PROCEEDING in Cancellation Proceeding No. 92042082 entitled Fours Seasons Dairy, Inc. v. International Gold Star Trading Corp., was served by First Class Mail, on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176

Samuel Friedman

June 20, 2007
Date

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

Four Seasons Dairy, Inc.

v. **Cancellation No. 92042082**

International Gold Star Trading Corp.

ACKNOWLEDGMENT OF AGREEMENT OR ORDER PROTECTING CONFIDENTIALITY OF INFORMATION REVEALED DURING BOARD PROCEEDING

I, Samuel Friedman [print name], declare that I have been provided with a copy of the Agreement or Order regarding the disclosure of, and protection of, certain types of information and documents during and after the above-captioned opposition or cancellation proceeding before the Trademark Trial and Appeal Board.

I have read the Agreement or Order and understand its terms and provisions, by which I agree to be bound. Specifically, I agree to hold in confidence any information or documents disclosed to me in conjunction with any part I take in this proceeding.

I declare under the penalty of perjury that these statements are true and correct.

[signature]

Attorney for Petitioner
[print title, if applicable]

June 20, 2007
[date]

EXHIBIT
D

SAMUEL FRIEDMAN
ATTORNEY AT LAW

225 BROADWAY - SUITE 1804
NEW YORK, N.Y. 10007
TELEPHONE (212) 267-2900
FAX (212) 587-0570

June 21, 2007

Via Fax and Mail: (212) 972-5487 (1 page total)

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

Re: Four Seasons Dairy, Inc. v.
International Gold Star Trading Corp.
Trademark Trial and Appeal Board
Cancellation Proceeding No. 92042082

Dear Mr. Thompson:

I would like to arrange for the inspection and copying of the materials identified in Respondents' Responses to Petitioner's Discovery Demands.

I am available to come to your offices on the following dates and times, for this purpose:

June 22	(Friday)	12:00 pm - 5:00 pm
June 25	(Monday)	9:00 am - 2:00 pm
June 26	(Tuesday)	9:00 am - 5:00 pm
June 27	(Wednesday)	9:00 am - 5:00 pm
June 28	(Thursday)	9:00 am - 5:00 pm
June 29	(Friday)	9:00 pm - 2:00 pm

Please advise me of your availability, as soon as possible.

Very truly yours,

Samuel Friedman

SF: aj
cc: Four Seasons Dairy, Inc.

********** -COMM. JOURNAL- ********** DATE JUN-21-2007 ***** TIME 19:13 ********

MODE = MEMORY TRANSMISSION START=JUN-21 19:13 END=JUN-21 19:13

FILE NO.=377

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	8	12129725487	001/001	00:00:15

-LAW OFFICE 225 BROADWAY -

***** DP-190 ********** -LAW OFFICES - ***** - 1 212 587 0570- *********

SAMUEL FRIEDMAN
ATTORNEY AT LAW

225 BROADWAY - SUITE 1804
NEW YORK, N.Y. 10007
TELEPHONE (212) 267-2900
FAX (212) 587-0570

June 21, 2007

Via Fax and Mail: (212) 972-5487 (1 page total)

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

Re: Four Seasons Dairy, Inc. v.
International Gold Star Trading Corp.
Trademark Trial and Appeal Board
Cancellation Proceeding No. 92042082

Dear Mr. Thompson:

I would like to arrange for the inspection and copying of the materials identified in Respondents' Responses to Petitioner's Discovery Demands.

I am available to come to your offices on the following dates and times, for this purpose:

June 22 (Friday)	12:00 pm - 5:00 pm
June 25 (Monday)	9:00 am - 2:00 pm
June 26 (Tuesday)	9:00 am - 5:00 pm
June 27 (Wednesday)	9:00 am - 5:00 pm
June 28 (Thursday)	9:00 am - 5:00 pm
June 29 (Friday)	9:00 pm - 2:00 pm

Please advise me of your availability, as soon as possible.

Very truly yours,

Samuel Friedman

SF: aj
cc: Four Seasons Dairy, Inc.

EXHIBIT
E

cplp

COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue, New York, NY 10176 *phone* 212.687.2770 *fax* 212.972.5487 www.cplplaw.com

Myron Cohen (1927-2005)
Thomas C. Pontani, Ph.D.
Lance J. Lieberman
Martin B. Pavane
Thomas Langer
Michael C. Stuart
William A. Alper
Edward M. Weisz
Kent H. Cheng, Ph.D.
Julia S. Kim
Alfred W. Froebrich
Lisa A. Ferrari
Alan J. Morrison

Sidney R. Bresnick
Of Counsel

Mindy H. Chettih
Vincent M. Fazzari
Alfred H. Hemingway, Jr.
Roger S. Thompson
Teodor J. Holmberg
Richard D. Margiano
Darren S. Mogil
David P. Badanes
Mher Hartoonian
Alphonso A. Collins
Douglas D. Zhang
Edward V. DiLello
Edward M. Reisner
Bradley M. Marazas
F. Brice Faller
Marilyn Neiman

Enshan Hong
Technical Advisor

June 22, 2007

BY FACSIMILE: (212) 587-0570
Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007

Re: *Four Seasons Dairy, Inc. v. International Gold Star Trading Corp.*
T.T.A.B. Cancellation No. 92/042,082
Our ref.: 5060-2L

Dear Sam:

I received your letter dated June 21, 2007 this morning.

In setting up a time to meet, I would like to know if you intend to provide the documents you promised to produce in 2004. Please let me know, as that would influence the time I need to set aside for the meeting.

In addition, I have received from you no Acknowledgment by Four Seasons of being bound by the TTAB's Protective Order, and I will not turn over any confidential documents until I receive the required Acknowledgements. I will remind you that the Board ordered the filing of the Acknowledgement(s) by June 20.

I look forward to hearing from you regarding the exchange of documents, and receipt of the Acknowledgements.

Very truly yours,
COHEN PONTANI LIEBERMAN & PAVANE LLP

Roger S. Thompson

RST/mam
cc: International Gold Star Trading Corp.
encl. - Supplemental Responses to Interrogatories
Acknowledgements

cplp

COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue, New York, NY 10176 *phone* 212.687.2770 *fax* 212.972.5487 www.cplplaw.com

To:	Samuel Friedman, Esq.	From:	Roger S. Thompson, Esq.
Fax:	(212) 587-0570	Pages:	3 (total number of pages)
Re:	*Four Seasons Dairy, Inc. v. International Gold Star Trading Corp.* T.T.A.B. Cancellation No. 92/042,082	Date:	Wednesday, June 27, 2007

☐ Confirmation will follow

X No confirmation to follow

Confidentiality Statement

This transmission may contain information which is legally privileged or otherwise protected from disclosure. Its contents are confidential and intended for the addressee only, and must not be used, copied or disseminated by any person other than the addressee. The recipient is requested to notify the sender immediately of any error in transmission and to destroy any transmission not intended for the recipient.

If all pages are not received
or you otherwise experience transmission difficulties
Please call us at (212) 687-2770

cplp

COHEN PONTANI LIEBERMAN & PAVANE LLP
551 Fifth Avenue, New York, NY 10176 *phone* 212.687.2770 *fax* 212.972.5487 www.cplplaw.com

Myron Cohen (1927-2005)
Thomas C. Pontani, Ph.D.
Lance J. Lieberman
Martin B. Pavane
Thomas Langer
Michael C. Stuart
William A. Alper
Edward M. Weisz
Kent H. Cheng, Ph.D.
Julia S. Kim
Alfred W. Froebrich
Lisa A. Ferrari
Alan J. Morrison

Sidney R. Bresnick
Of Counsel

Mindy H. Chettih
Vincent M. Fazzari
Alfred H. Hemingway, Jr.
Roger S. Thompson
Teodor J. Holmberg
Richard D. Margiano
Darren S. Mogil
David P. Badanes
Mher Hartoonian
Alphonso A. Collins
Douglas D. Zhang
Edward V. DiLello
Edward M. Reisner
Bradley M. Marazas
F. Brice Faller
Marilyn Neiman

Enshan Hong
Technical Advisor

June 27, 2007

BY FACSIMILE: (212) 587-0570
Samuel Friedman, Esq.
225 Broadway, Suite 1804
New York, New York 10007

Re: *Four Seasons Dairy, Inc. v. International Gold Star Trading Corp.*
T.T.A.B. Cancellation No. 92/042,082
Our ref.: 5060-2L

Dear Sam:

I note that I have not yet received a reply to my letter of June 22, 2007 a copy of which is enclosed.

I look forward to hearing from you regarding the exchange of documents, and receipt of the Acknowledgements.

Very truly yours,
COHEN PONTANI LIEBERMAN & PAVANE LLP

Roger S. Thompson

RST/mam
cc: International Gold Star Trading Corp.
encl. - Letter of June 22, 2007

EXHIBIT
F

SAMUEL FRIEDMAN
ATTORNEY AT LAW

225 BROADWAY - SUITE 1804
NEW YORK, N.Y. 10007
TELEPHONE (212) 267-2900
FAX (212) 587-0570

June 29, 2007

Via Fax and Mail: (212) 972-5487 (5 pages total)

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

Re: Four Seasons Dairy, Inc. v.
International Gold Star Trading Corp.
Trademark Trial and Appeal Board
Cancellation Proceeding No. 92042082

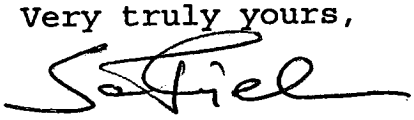
Dear Mr. Thompson:

I have your letters of June 22 and June 27, 2007. The Board's Form of Protective Order provides, at page 1 thereof, that "[a]greement of the parties is indicated by the signatures of the parties' attorneys and/or the parties themselves at the conclusion of the order." Accordingly as you know, Petitioner has fully met its obligations. Nevertheless, in accordance with your request, I annex hereto the Acknowledgment signed by Alexander Bekker as Vice President of Petitioner Four Seasons Dairy Inc.

You do not have grounds or cause to continue withholding production of all responsive documents. I made myself available to come to your office and inspect. However, you indicated that you have already designated and copied the responsive documents. Please send all responsive documents to my office.

The Board denied Respondent's Motion to Reopen Discovery.

Very truly yours,



Samuel Friedman

SF: aj
cc: Four Seasons Dairy, Inc.

MODE = MEMORY TRANSMISSION START=JUN-29 19:15 END=JUN-29 19:16

FILE NO.=474

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	5	12129725487	005/005	00:00:48

SAMUEL FRIEDMAN
ATTORNEY AT LAW

225 BROADWAY - SUITE 1804
NEW YORK, N.Y. 10007
TELEPHONE (212) 267-2900
FAX (212) 587-0570

June 29, 2007

Via Fax and Mail: (212) 972-5487 (5 pages total)

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

Re: Four Seasons Dairy, Inc. v.
International Gold Star Trading Corp.
Trademark Trial and Appeal Board
Cancellation Proceeding No. 92042082

Dear Mr. Thompson:

I have your letters of June 22 and June 27, 2007. The Board's Form of Protective Order provides, at page 1 thereof, that "[a]greement of the parties is indicated by the signatures of the parties' attorneys and/or the parties themselves at the conclusion of the order." Accordingly as you know, Petitioner has fully met its obligations. Nevertheless, in accordance with your request, I annex hereto the Acknowledgment signed by Alexander Bekker as Vice President of Petitioner Four Seasons Dairy Inc.

You do not have grounds or cause to continue withholding production of all responsive documents. I made myself available to come to your office and inspect. However, you indicated that you have already designated and copied the responsive documents. Please send all responsive documents to my office.

The Board denied Respondent's Motion to Reopen Discovery.

Very truly yours,

Samuel Friedman

SF: aj
cc: Four Seasons Dairy, Inc.

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

NOTICE OF FILING OF ACKNOWLEDGEMENT OF AGREEMENT OR ORDER PROTECTING CONFIDENTIALITY OF INFORMATION REVEALED DURING BOARD OF PROCEEDING

Petitioner Four Seasons Dairy Inc. hereby files Additional Acknowledgement of Agreement or Order Protecting Confidentiality of Information Revealed During Board Proceeding in accordance with request of counsel for Respondent.

Dated: June 29, 2007
New York, New York

Respectfully submitted,

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

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:

Samuel Friedman
(Typed Name of Person Signing Certificate)

(Signature)

June 29, 2007
(Date)

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing ACKNOWLEDGEMENT OF AGREEMENT OR ORDER PROTECTING CONFIDENTIALITY OF INFORMATION REVEALED DURING BOARD PROCEEDING in Cancellation Proceeding No. 92042082 entitled Fours Seasons Dairy, Inc. v. International Gold Star Trading Corp., was served by Fax and First Class Mail, on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176
Fax: (212) 972-5487

Samuel Friedman

June 29, 2007
Date

Cancellation No. 92042082

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

Four Seasons Dairy, Inc.

v. Cancellation No. 92042082

International Gold Star Trading Corp.

ACKNOWLEDGMENT OF
AGREEMENT OR ORDER PROTECTING
CONFIDENTIALITY OF INFORMATION
REVEALED DURING BOARD PROCEEDING

I, ALEXANDR BEKKER [print name], declare that I have been provided with a copy of the Agreement or Order regarding the disclosure of, and protection of, certain types of information and documents during and after the above-captioned opposition or cancellation proceeding before the Trademark Trial and Appeal Board.

I have read the Agreement or Order and understand its terms and provisions, by which I agree to be bound. Specifically, I agree to hold in confidence any information or documents disclosed to me in conjunction with any part I take in this proceeding.

I declare under the penalty of perjury that these statements are true and correct.

Alexandr Bekker
[signature]

V/PRESIDENT
[print title, if applicable]

Cancellation No. 92042082

06.26.07
[date]

EXHIBIT
G

SAMUEL FRIEDMAN
ATTORNEY AT LAW

225 BROADWAY - SUITE 1804
NEW YORK, N.Y. 10007
TELEPHONE (212) 267-2900
FAX (212) 587-0570

July 6, 2007

Via Fax and Mail: (212) 972-5487 (1 page total)

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

Re: Four Seasons Dairy, Inc. v.
International Gold Star Trading Corp.
Trademark Trial and Appeal Board
Cancellation Proceeding No. 92042082

Dear Mr. Thompson:

Please provide Respondent's responses to Petitioner's discovery demands so I receive them no later than July 10, 2007. Upon your failure to comply Petitioner will move the Board for all appropriate relief.

Very truly yours,

Samuel Friedman (aj)
Samuel Friedman

SF: aj
cc: Four Seasons Dairy, Inc.

MODE = MEMORY TRANSMISSION START=JUL-06 14:42 END=JUL-06 14:43

FILE NO.=522

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	5	12129725487	001/001	00:00:14

-LAW OFFICE 225 BROADWAY -

***** DP-190 ********** -LAW OFFICES - ***** - 1 212 587 0570- *********

SAMUEL FRIEDMAN
ATTORNEY AT LAW

225 BROADWAY - SUITE 1804
NEW YORK, N.Y. 10007
TELEPHONE (212) 267-2900
FAX (212) 587-0570

July 6, 2007

Via Fax and Mail: (212) 972-5487 (1 page total)

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

Re: Four Seasons Dairy, Inc. v.
International Gold Star Trading Corp.
Trademark Trial and Appeal Board
Cancellation Proceeding No. 92042082

Dear Mr. Thompson:

Please provide Respondent's responses to Petitioner's discovery demands so I receive them no later than July 10, 2007. Upon your failure to comply Petitioner will move the Board for all appropriate relief.

Very truly yours,

Samuel Friedman (aj)
Samuel Friedman

SF: aj
cc: Four Seasons Dairy, Inc.

EXHIBIT
H

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

PETITIONER'S RESPONSES AND OBJECTIONS
TO REGISTRANT'S FIRST SET OF DISCOVERY

RESPONSES AND OBJECTIONS TO INTERROGATORIES

Petitioner Four Seasons Dairy, Inc., by its attorney, Samuel Friedman, hereby responds to Registrant International Gold Star Trading Corp.'s Interrogatories ("Registrant's Interrogatories") upon information and belief, as follows:

INTRODUCTORY NOTE

The following Answers to Registrant's Interrogatories are subject to all general and specific objections set forth herein and all objections, protections, privileges and immunities otherwise provided by law. Petitioner's Responses and Objections to Registrant's Requests for Production are set forth infra.

GENERAL OBJECTIONS

1. Petitioner objects to the Registrant's Interrogatories to the extent that they seek information that exceeds the scope of matters required to be disclosed under Rules 26 and 33 of the Federal Rules of Civil Procedure.

2. Petitioner objects to the Registrant's Interrogatories to the extent that they seek the production of confidential or proprietary information.

3. Petitioner objects to the Registrant's Interrogatories to the extent that they seek to discover attorney work product or attorney client communications.

4. Petitioner objects to the Registrant's Interrogatories to the extent that they call for opinions, analysis or similar observations of its legal counsel. Such information is, by definition, privileged attorney work product.

5. Petitioner objects to the Registrant's Interrogatories to the extent that they seek information that is irrelevant, immaterial, or otherwise not properly the subject of discovery demands.

6. Petitioner objects to the Registrant's Interrogatories to the extent that the demands contained therein are overbroad, overly burdensome, lacking in specificity, vague, ambiguous, and are prefaced with the terms "all", "each" and "any" which is oppressive, vexatious and unduly burdensome.

7. Petitioner objects to the Registrant's Interrogatories to the extent that they seek information contained within Registrant's records, and are not in Petitioner's possession because Registrant has not produced them to Petitioner despite due demand.

8. Petitioner objects to the Registrant's Interrogatories to the extent that Petitioner requires discovery from Registrant and third parties in order to fully respond. Petitioner

reserves the right to revise, correct, amend, supplement, add to or clarify the responses propounded herein.

9. Petitioner objects to the Registrant's Interrogatories to the extent that they are premature and seek contentions that relate to fact or the application of law to fact prior to the completion of discovery. Petitioner reserves the right to revise, correct, amend, supplement, add to or clarify the responses propounded herein.

10. This response is made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving: (1) all questions as to competency, relevance, materiality, privilege and admissibility as evidence for any purpose in any proceeding or the trial of this action; (2) the right to object to the use of any response, or its subject matter, in any proceeding or the trial of this action on any grounds; (3) the right to object on any ground at any time to a demand for further responses to these or other requests or other discovery procedures involving or relating to the subject matter of the requests answered; and (4) the right at any time to revise, correct, amend, supplement, add to or clarify any of the responses propounded herein.

11. Petitioner objects to the Registrant's Interrogatories insofar as they require Petitioner to produce documents at the offices of Registrant's counsel. Petitioner's only obligation pursuant to Rule 2.120(d) of the Trademark Rules of Practice and Rule 26(b) of the Federal Rules of Civil Procedure is to produce documents where they are normally kept during the normal course of business. For the most part, those documents are kept at the warehouse of Petitioner and may be inspected and copied where kept upon proper notice at a mutually convenient date and time, or as otherwise agreed by counsel.

12. To the extent that any request or interrogatory asks for "all" documents, representative documents will be produced at a mutually convenient time and date, provided that the request is not otherwise objected to.

13. Petitioner objects to the Registrant's Interrogatories to the extent that they seek information which is cumulative, duplicative, or is obtainable from some other source that is more convenient, less expensive and less burdensome.

14. Petitioner objects to the Registrant's Interrogatories to the extent that any specific Request purports to seek the production, disclosure or identification of any documents or information not in the possession, custody or control of Petitioner.

ANSWERS AND SPECIFIC OBJECTIONS

The foregoing General Objections are hereby incorporated by reference into each and every answer and specific objection set forth below.

INTERROGATORIES

Interrogatory No. 1

1. Identify Four Seasons.

Answer to Interrogatory No. 1:

1. Four Seasons Dairy Inc. is a corporation organized and existing under and by virtue of the laws of the State of New York. It does business and maintains records at 255 58th Street, Brooklyn, New York 11220. Its shareholders are Oleg Kessler and Alexander Bekker. They each have knowledge with respect to the subject matter of this proceeding.

Interrogatory No. 2

2. Identify all officers and directors of Four Seasons from a date six months prior to the date on which Four Seasons claims to have commenced usage of the Four Seasons mark to the present.

Answer to Interrogatory No. 2:

2. Oleg Kessler is the president and a director of Four Seasons Dairy Inc. Alexander Bekker is the vice president and a director of Four Seasons Dairy, Inc.

Interrogatory No. 3

3. Identify all employees of Four Seasons, from a date six months prior to the date on which Four Seasons claims to have commenced usage of the Four Seasons mark to the present, with knowledge of any product sold by Four Seasons bearing the Four Seasons mark.

Answer to Interrogatory No. 3:

3. Objection. Vague and ambiguous in that the term "employee" is not defined. Subject to and without waiving the foregoing objections and the general objections, Petitioner states: Oleg Kessler, Alexander Bekker and Svetlana Kessler.

Interrogatory No. 4

4. Identify the individual who selected the Four Seasons mark.

Answer to Interrogatory No. 4:

4. Objection. Vague and ambiguous in that the term "selected" is not defined: Subject to and without waiving the foregoing objections and the general objections, Petitioner states: Oleg Kessler, Alexander Bekker and Svetlana Kessler.

Interrogatory No. 5

5. Identify the individual who designed the Four Seasons mark.

Answer to Interrogatory No. 5:

5. Objection. Vague and ambiguous in that the term "selected" is not defined. Subject to and without waiving the foregoing objections and the general objections, Petitioner states: Oleg Kessler, Alexander Bekker and Svetlana Kessler.

Interrogatory No. 6

6. Identify all individuals who participated in the selection and/or design of the Four Seasons mark.

Answer to Interrogatory No. 6:

6. Objection. Vague and ambiguous in that the term "selected" is not defined. Subject to and without waiving the foregoing objections and the general objections, Petitioner states: Oleg Kessler, Alexander Bekker and Svetlana Kessler.

Interrogatory No. 7

7. Explain the circumstances surrounding Four Seasons' selection and adoption of the Four Seasons mark, including identifying all persons knowledgeable concerning such selection and adoption, identifying all documents concerning such selection and adoption and stating all facts concerning such selection and adoption.

Answer to Interrogatory No. 7:

7. Objection. Overbroad. Vague and ambiguous. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that Alexander Bekker, Oleg Kessler and Svetlana Kessler selected and adopted the Four Seasons mark.

Interrogatory No. 8

8. Explain any allegation of usage of the Four Seasons mark prior to September, 1999.

Answer to Interrogatory No. 8:

8. Objection. Calls for a narrative. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that Alexander Bekker and Oleg Kessler, as officers, directors and shareholders of A&O Corp. started using the Four Seasons mark in or about 1997. The successor in interest and assignee of A&O Corp., Inc., to wit, Four Seasons Dairy, Inc., commenced using the Four Seasons mark in or before January 1999.

Interrogatory No. 9

9. State the date of first use of the Four Seasons mark, identifying the party/ies to whom any product bearing the Four Season mark was first sold.

Answer to Interrogatory No. 9:

9. Alexander Bekker, Oleg Kessler and A&O Corp. first used the Four Seasons mark in commerce in or about September 1997 by making sales of the relevant goods to "Tri-Line", a Russian Supermarket in the Midwood section of Brooklyn, New York, located at or about the intersections of Kings Highway and West 48th Street in Brooklyn, New York.

Interrogatory No. 10

10. Identify any product on which Four Seasons claims to use, or have used, the Four Seasons mark, including the inclusive date(s) on which Four Seasons claims to have begun use of the Four Seasons mark thereon and/or ceased use of the Four Seasons mark thereon, and the annual volume of sales of such product (both by numbers of products sold and by dollar volume) from the alleged date of first use thereof to the present and/or to the cessation of sales of such product.

Answer to Interrogatory No. 10:

10. Objection. This interrogatory, in part, seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. It further seeks information that is proprietary, confidential and constitutes a trade secret. Information concerning dollar volume of sales will not be disclosed absent a suitable protective order. Subject to and without waiving the foregoing objections and the general objections. Petitioner states that it, its officers, directors, shareholders and predecessors commenced using the Four Seasons mark on products including feta cheese, farmers cheese, cottage cheese, yogurt, butter blend, vegetable oil spread, vegetable extracts and margarine in or about September 1997 and continue making sales in commerce for such products to date.

Interrogatory No. 11

11. Identify any search performed by or on behalf of Four Seasons concerning the Four Seasons mark, including whether such mark was in use by any party, was registered by any party or owned by any party.

Answer to Interrogatory No. 11:

11. Objection. Calls for information subject to the attorney-client privilege, the work-product doctrine and other exemptions from disclosure. Vague and ambiguous in that

the term "search" is not defined. Subject to and without waiving the foregoing objections and general objections, Petitioner states that its principals, on a frequent basis, visit the "Russian Stores" in the New York City area and are fully familiar with the goods being sold in the relevant market. The aforesaid, among other things, constituted a "search" performed concerning the Four Seasons Mark.

Interrogatory No. 12

12. Explain in detail Four Seasons' claim that the Four Seasons mark is "well known and recognized by consumers and the trade as identifying the Products that are affiliated with or have been authorized by Petitioner" as alleged in paragraph 4 of the petition for Cancellation herein.

Answer to Interrogatory No. 12:

12. Objection. Calls for a narrative. Overbroad. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that it, its shareholders and predecessors have sold continuously to wholesalers and retailers the relevant products in the relevant market under the Four Seasons mark since in or about September of 1997. As such, consumers and the trade have come to associate the Four Seasons mark with the high quality products sold by Petitioner.

Interrogatory No. 13

13. Identify all communications with any person concerning the Four Seasons mark.

Answer to Interrogatory No. 13:

13. Objection. Overbroad. Unduly burdensome. Vague and ambiguous. Not reasonably calculated to lead to the discovery of admissible evidence. Calls for proprietary and

confidential information that constitutes trade secrets. Subject to and without waiving the foregoing objections and general objections, Petitioner states: See Answers to Interrogatories Nos. 1-12 and 14-25.

Interrogatory No. 14

14. Explain in detail Four Seasons' claim that the Gold Star mark was obtained through fraud, as alleged in paragraph 10 of the Petition for Cancellation herein.

Answer to Interrogatory No. 14:

14. Objection. Overbroad. Calls for a narrative. Without waiving the foregoing objections and general objections Petitioner states that at the time of making application to the United States Patent and Trademark office for registration of the mark sought to be cancelled, Registrant had actual knowledge or reasonably should have known of Petitioner's actual use of the Four Seasons mark on the relevant products from a date preceeding any alleged use by Registrant. As such, Registrant made knowingly false statements to the USPTO in declaring that to the best of its knowledge, no other person, firm, corporation or association had the right to use the mark in commerce.

Interrogatory No. 15

15. State all facts concerning Four Seasons' claim, in paragraph 10 of the Petition for Cancellation herein, that Gold Star knew of Four Seasons' alleged use of the Four Seasons' mark prior to the date on which Gold Star applied to register the Gold Star mark.

Answer to Interrogatory No. 15:

15. Objection. Overbroad. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that prior to Registrant's application to

register the subject mark, Registrant had purchased products from Petitioner, its officers, directors, shareholders and predecessors, and had actual and/or constructive knowledge of Petitioner's prior and widespread use of the Four Seasons mark on the relevant goods and products.

Interrogatory No. 16

16. Identify all manufacturers or suppliers of any products sold by Four Seasons bearing the Four Seasons mark from the date(s) of first use of each such product to the present.

Answer to Interrogatory No. 16:

16. Objection. Calls for the production of highly confidential information that, if divulged, may provide Registrant with a competitive advantage and cause irreparable harm to Petitioner. Information regarding manufacturers and suppliers, except as set forth in Response to Interrogatory 22, will not be disclosed absent a suitable protective order.

Interrogatory No. 17

17. Identify any instance of actual confusion which Four Seasons contends has arisen with respect to the Gold Star mark.

Answer to Interrogatory No. 17:

17. Objection. Vague and ambiguous. Subject to and without waiving the foregoing objection and the general objections, Petitioner refers Registrant to, among other things, the USPTO Office Action dated June 24, 2002 finding a likelihood of confusion between the Four Seasons mark and Registrant's subject mark and refusing registration of the Four Seasons mark on grounds of likelihood of confusion with "BABUSHKA'S RECIPE."

Interrogatory No. 18

18. Identify any communication concerning any instance of alleged confusion between the Gold Star mark and any product or service offered by Four Seasons.

Answer to Interrogatory No. 18:

18. Objection. Overbroad. Vague and ambiguous. Subject to and without waiving the foregoing objection and the general objections, Petitioner makes reference to the aforesaid USPTO Office Action and to correspondence sent by Counsel for Registrant dated March 11, 2002 to a competitor within the relevant trade.

Interrogatory No. 19

19. Identify any communication concerning any instance in which any person inquired whether there exists or existed any connection, sponsorship or other affiliation or relation between Gold Star and/or any product bearing the Gold Star mark and Four Seasons.

Answer to Interrogatory No. 19:

19. Objection. Vague and ambiguous. Subject to and without waiving the foregoing objection and the general objections, Petitioner states: See answers to Interrogatories Nos. 17 and 18. Petitioner further states that principals of Registrant, during a face to face meeting with the Principals of Petitioner, in or about August 2003, indicated the possibility of consumer confusion.

Interrogatory No. 20

20. Identify all persons upon whose testimony Four Seasons intends to rely in this proceeding.

Answer to Interrogatory No. 20:

20. Objection. Petitioner has not yet determined the identities of all persons upon whose testimony it will rely in this proceeding. Such a determination rests in part upon the Answers to be provided by Registrant to Petitioner's Discovery Demands. Subject to and without waiving the foregoing objections and the general objections Petitioner shall rely upon the testimony of persons including but not limited to:

Arkadiy Golub
Beluga Caviar Inc.
32 Second Avenue
Brooklyn, New York

Leon Sheikhet
President
Unsurpassed Meat Inc.
DBA Miller's Finest Meats
1914 Kings Highway
Brooklyn, New York 11229

Mark Goulumb (sp?)
President
Western Star Inc.
2723 West 15th Street
Brooklyn, New York 11224

Arie
Quick Graphics Inc.
6308 Bay Parkway
Brooklyn, New York 11204

Edward Kraven
EV Business Services, Inc.
2677 Coney Island
Brooklyn, New York 11235

Aron Walewitsch
Natar Foods

255 48th Street
Brooklyn, New York 11220

Mark Gorereck
East Coast Foods
2723 West 15th Street
Brooklyn, New York 11224

Alexander & Bob
Royal Baltic
9829 Ditmas Avenue
Brooklyn, New York

Alexander Bekker
Oleg Kessler
Svetlana Kessler

Svetlana Yelkin
Dawn Whitehead
Marina Pashenkova
New York State
Department of Agriculture & Markets
1 Winners Circle
Albany, New York 12235

Additional persons to be disclosed subject to protective order

Interrogatory No. 21

21. Identify all documents on which Four Seasons intends to rely in this proceeding.

Answer to Interrogatory No. 21:

21. Objection. Overbroad. Petitioner has not yet determined the identification of all documents on which it will rely. Subject to and without waiving the foregoing objections

and the general objections, Petitioner makes reference to its Answers and Objections to Registrant's Requests for Production and the documents to be produced in connection therewith. Petitioner further makes reference to the documents that it has demanded of Registrant which have not yet been provided despite due demand and the relevant file wrappers of the USPTO.

Interrogatory No. 22

22. Identify the printer, manufacturer and/or supplier of each label, hangtag or other indicia placed on any product sold by Four Seasons bearing the Four Seasons mark, and the date(s) on which any order(s), requests or purchase(s) for such label, hangtag or indicia were placed..

Answer to Interrogatory No. 22:

22. Objection. Overbroad and unduly burdensome. Calls for highly confidential and proprietary information that, if disclosed, would subject Petitioner to a competitive disadvantage and irreparable harm. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that two of such printers, manufacturers and/or suppliers are set forth below. Petitioner requires a suitable protective order prior to further disclosure:

Quick Graphics Inc.
6308 Bay Parkway
Brooklyn, New York 11204

Herb Bookbinder
Ideal Label Inc.
43-10 23rd Street
Long Island City, New York 11101

Interrogatory No. 23

23. Identify all persons employed by Four Seasons at any time from six months prior to the date on which Four Seasons alleges to have begun use of the Four Seasons mark to the present who are believed to be knowledgeable about the subject matter of this proceeding.

Answer to Interrogatory No. 23:

23. Objection. Vague and ambiguous in that the term "employed" is not defined. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that such persons include Alexander Bekker, Oleg Kessler and Svetlana Kessler.

Interrogatory No. 24

24. Identify the channels of trade through which Four Seasons sells or sold each product it now sells or formerly sold bearing the Four Seasons mark..

Answer to Interrogatory No. 24:

24. Objection. Vague and ambiguous in that the phrase "channels of trade" is not defined. Subject to and without waiving the foregoing objections and the general objections, Petitioner states that it sells the relevant products under the Four Seasons mark to retailers in the New York City area, as well as to wholesalers and supermarkets in Canada and the U.S.

Interrogatory No. 25

25. Identify with specificity the intended customer for each product now sold or formerly sold by Four Seasons bearing the Four Seasons mark.

Answer to Interrogatory No. 25:

25. Objection. Overbroad. Vague and Ambiguous in that "intended customer" is not defined. Unduly burdensome. The definitions and instructions to Registrant's Interrogatories would require the Petitioner to identify each and every end user of its products.

Subject to and without waiving the foregoing objections and the general objections, Petitioner states that the intended customers include wholesalers and retailers that sell to the consuming public in general and persons of Russian heritage in particular.

PETITIONER'S RESPONSES AND OBJECTIONS TO FIRST REQUEST FOR PRODUCTION OF DOCUMENTS BY REGISTRANT INTERNATIONAL GOLD STAR TRADING CORP.

Petitioner Four Seasons Dairy, Inc., by it's attorney Samuel Friedman, hereby responds to the First Request for Production of Documents by Registrant International Gold Star Trading Corp., ("Registrant's Demands"), upon information and belief, as follows:

INTRODUCTORY NOTE

The following Responses to Registrant's Demands are subject to all general and specific objections set forth herein and all objections, protections, privileges and immunities otherwise provided by law.

GENERAL OBJECTIONS

1. Petitioner objects to the Registrant's Demands to the extent that they seek discovery that exceeds the scope of matters required to be disclosed under Rules 26 and 34 of the Federal Rules of Civil Procedure.

2. Petitioner objects to the Registrant's Demands to the extent that they seek the production of confidential or proprietary information.

3. Petitioner objects to the Registrant's Demands to the extent that they seek to discover attorney work product or attorney client communications.

4. Petitioner objects to the Registrant's Demands to the extent that they call for opinions, analysis or similar observations of its legal counsel. Such information is, by definition, privileged attorney work product.

5. Petitioner objects to the Registrant's Demands to the extent that they seek information that is irrelevant, immaterial, or otherwise not properly the subject of discovery demands.

6. Petitioner objects to the Registrant's Demands to the extent that they are overbroad, unduly burdensome, lacking in specificity, vague, ambiguous, and are prefaced with the terms "each", "any" and "all" which is oppressive, vexatious and unduly burdensome.

7. Petitioner objects to the Registrant's Demands to the extent that they seek documents contained within Registrant's records; and are not in Petitioner's possession because Registrant has not produced them to Petitioner despite due demand.

8. Petitioner objects to the Registrant's Demands to the extent that Petitioner requires discovery from Registrant and third parties in order to fully respond. Petitioner reserves the right to revise, correct, amend, supplement, add to or clarify the responses propounded herein.

9. This response is made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving: (1) all questions as to competency, relevance, materiality, privilege and admissibility as evidence for any purpose in any proceeding or the trial of this action; (2) the right to object to the use of any response, or its subject matter, in any proceeding or the trial of this action on any grounds; (3) the right to object on any ground at any time to a demand for further responses to these or other requests or other discovery procedures involving or relating to the subject matter of the requests answered; and (4) the right at any time to revise, correct, amend, supplement, add to or clarify any of the responses propounded herein.

10. Petitioner objects to the Registrant's Demands insofar as they require Petitioner to produce documents at the offices of Registrant's counsel. Petitioner's only obligation pursuant to Rule 2.120(d) of the Trademark Rules of Practice and Rule 26(b) of the Federal Rules of Civil Procedure is to produce documents where they are normally kept during the normal course of business. For the most part, those documents are kept at the warehouse of Petitioner and may be inspected and copied where kept upon proper notice at a mutually convenient date and time, or as otherwise agreed by counsel.

11. To the extent that any request or Demands asks for "all" documents, representative documents will be produced at a mutually convenient time and date, provided that the request is not otherwise objected to.

12. Petitioner objects to the Registrant's Demands to the extent that they seek information which is cumulative, duplicative, or is obtainable from some other source that is more convenient, less expensive and less burdensome.

13. Petitioner objects to the Registrant's Demands to the extent that any specific Request purports to seek the production, disclosure or identification of any documents or information not in the possession, custody or control of Petitioner.

RESPONSES AND SPECIFIC OBJECTIONS

The foregoing General Objections are hereby incorporated by reference into each and every response and specific objection set forth below.

DOCUMENT DEMANDS

Document Demand No. 1

1. All documents identified in the above Interrogatories.

Response to Document Demand No. 1:

1. Petitioner objects to this request on the grounds that (1) it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, the general objections or the specific objections to Registrant's Interrogatories, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 2

2. All documents concerning the first sale of any product sold by Four Seasons bearing the Four Seasons mark.

Response to Document Demand No. 2:

2. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 3

3. All documents concerning the Four Seasons application.

Response to Document Demand No. 3:

3. Petitioner objects to this request on the grounds that (1) it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 4

4. Documents sufficient to establish the amount of advertising, promotional and/or other marketing expenditures made by Four Seasons concerning products sold bearing the Four Seasons mark each year from the date on which Four Seasons claims to have first used the Four Seasons mark to present.

Response to Document Demand No. 4:

4. Petitioner objects to this request on the grounds that its seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Petitioner further objects on grounds that the information requested is highly confidential. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 5

5. Documents sufficient to establish the annual dollar volume of sales of each product sold by Four Seasons bearing the Four Seasons mark from the date of the first sale of such product to the present.

Response to Document Demand No. 5:

5. Petitioner objects to this request on the grounds that its seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Petitioner further objects on grounds that the information requested is highly confidential. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 6

6. Any search performed by or on behalf of Four Seasons concerning the Four Seasons mark.

Response to Document Demand No. 6:

6. Petitioner objects to this request on the grounds that (1) it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control, if any, that it deems responsive to this request.

Document Demand No. 7

7. Any search performed by or on behalf of Four Seasons concerning the Gold Star mark.

Response to Document Demand No. 7:

7. Petitioner objects to this request on the grounds that (1) it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control, if any, that it deems responsive to this request.

Document Demand No. 8

8. Any opinion of counsel concerning Four Seasons' claim of priority to use the Four Seasons mark compared to Gold Star's usage of the Gold Star mark.

Response to Document Demand No. 8:

8. Petitioner objects to this request on the grounds that (1) it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control, if any, that it deems responsive to this request.

Document Demand No. 9

9. Samples of any label, hangtag, or other use of the Four Season's mark on any product.

Response to Document Demand No. 9:

9. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 10

10. Samples of each product sold by Four Seasons bearing the Four Seasons mark.

Response to Document Demand No. 10:

10. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 11

11. All documents concerning Four Seasons' purchase, manufacture or other acquisition of each label, hangtag or other indicia bearing the Four Seasons mark.

Response to Document Demand No. 11:

11. Petitioner objects to this request on the grounds that (1) it is overbroad and unduly burdensome; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Petitioner further objects that the

information sought is highly confidential. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 12

12. Representative samples of all advertising, marketing or other promotional materials used by Four Seasons for the sale or marketing of any product bearing the Four Seasons mark.

Response to Document Demand No. 12:

12. Petitioner objects to this demand to the extent that it seeks information that that is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 13

13. All documents concerning any allegation in the Petition for Cancellation herein.

Response to Document Demand No. 13:

13. Petitioner objects to this request on the grounds that (1) it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure; and (2) it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; and (3) it is overbroad and ambiguous. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time

those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 14

14. All documents upon which Four Seasons intends to rely in this proceeding.

Response to Document Demand No. 14:

14. Petitioner objects to this request on the ground that (1) it seeks information that is equally available to Registrant but has not yet been produced by Registrant despite due demand; and (2) premature in that Petitioner has not yet determined each document upon which it will rely. Subject to and without waiving the foregoing objections or the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 15

15. All documents concerning Four Seasons' first knowledge of the Gold Star mark.

Response to Document Demand No. 15:

15. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents, if any, within its possession, custody or control it deems responsive to this request.

Document Demand No. 16

16. All documents concerning Four Seasons' first knowledge of Gold Star.

Response to Document Demand No. 16:

16. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents, if any, within its possession, custody or control it deems responsive to this request.

Document Demand No. 17

17. All documents concerning Four Seasons' first knowledge that Gold Star claimed proprietary rights in and to any mark which includes the word "BABUSHKA"

Response to Document Demand No. 17:

17. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents, if any, within its possession, custody or control it deems responsive to this request.

Document Demand No. 18

18. All documents concerning Four Seasons' allegation that Gold Star knew of Four Seasons' alleged use of the Four Seasons mark prior to the date on which Gold Star applied to register the Gold Star mark.

Response to Document Demand No. 18:

18. Petitioner objects to this request on the ground that it seeks information that is equally available to Registrant or that is only available to Registrant and that has not yet been

produced by Registrant despite due demand. Subject to and without waiving the foregoing objections and the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 19

19. All documents concerning Four Seasons' allegations in paragraph 10 of the Petition for Cancellation herein that Gold Star allegedly committed fraud on the Trademark Office in the filing of Gold Star's application to register the Gold Star mark.

Response to Document Demand No. 19:

19. Petitioner objects to this request on the ground that it seeks information that is equally available to Registrant or that is only available to Registrant and that has not yet been produced by Registrant despite due demand. Subject to and without waiving the foregoing objections and the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 20

20. Documents sufficient to establish continuous usage of the Four Seasons mark from the date on which Four Seasons claims first to have used such mark to the present.

Response to Document Demand No. 20:

20. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 21

21. Documents submitted to the United States Patent and Trademark Office concerning any petition to revive the Four Seasons application.

Response to Document Demand No. 21:

21. Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 22

22. Documents sufficient to establish the channels of trade through which Four Seasons sells products bearing the Four Seasons mark.

Response to Document Demand No. 22:

22. Petitioner objects to this request on the ground that it is vague and ambiguous and seeks information that is confidential and proprietary and that may cause irreparable harm if disclosed. Subject to and without waiving the foregoing objections and the general objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 23

23. All documents concerning any alleged instance of actual confusion between the Gold Star mark and any mark in which Four Seasons claims ownership, including, but not limited to, the Four Seasons mark.

Response to Document Demand No. 23:

23. Petitioner objects to this request on the ground that it seeks information that is equally available to Registrant. Subject to and without waiving the foregoing objection, Petitioner

will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 24

24. All documents concerning any alleged instance in which any person believed that any product bearing the Gold Star mark originated with, was sponsored by, was licensed by, was approved by or otherwise was associated in any way with Four Seasons.

Response to Document Demand No. 24:

24. Petitioner objects to this request on the ground that it seeks information that is equally available to Registrant. Subject to and without waiving the foregoing objection, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 25

25. All documents concerning any allegation by Four Seasons that the Four Seasons mark "has acquired greater distinctiveness and extensive goodwill, and is well known and recognized by consumers and the trade as identifying the Products that are affiliated with or have been authorized by" Four Seasons, as alleged in paragraph 4 of the Petition for Cancellation herein.

Response to Document Demand No. 25:

25. Petitioner objects to this request on the ground that it seeks information that is equally available to Registrant. Subject to and without waiving the foregoing objection, Petitioner will make available for inspection and copying on a mutually agreeable date and time

those non-privileged documents within its possession, custody or control it deems responsive to this request.

Document Demand No. 26

26. Any survey, poll or other sampling performed by or on behalf of Four Seasons concerning the Four Seasons mark.

Response to Document Demand No. 26:

26. Petitioner objects to this request on the grounds that it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure. Subject to and without waiving the foregoing objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents, if any, within its possession, custody or control it deems responsive to this request.

Document Demand No. 27

27. Any survey, poll or other sampling performed by or on behalf of Four Seasons concerning the Gold Star mark.

Response to Document Demand No. 27:

27. Petitioner objects to this request on the grounds that it calls for the production of documents subject to the attorney-client privilege, the work-product doctrine, or any other exemption from disclosure. Subject to and without waiving the foregoing objections, Petitioner will make available for inspection and copying on a mutually agreeable date and time those non-privileged documents, if any, within its possession, custody or control it deems responsive to this request.

I DECLARE UNDER PENALTY OF PERJURY
THAT THE FOREGOING FACTUAL ANSWERS
ARE TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE, INFORMATION AND BELIEF:

Dated: New York, New York
February 24, 2004

FOUR SEASONS DAIRY, INC.

By: Alexander Bekker
Alexander Bekker, Vice President

AS TO FORM AND OBJECTIONS:

Dated: New York, New York

By: Sam Friedman
Samuel Friedman [SF-4619]
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 Responses and Objections to Registrant's First Set of Discovery in Cancellation Proceeding No. 92042082 entitled Fours Seasons Dairy, Inc. v. International Gold Star Trading Corp., was served by United States Postal Service First Class Mail on counsel for Registrant, addressed as follows:

Roger S. Thompson
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue
New York, New York 10176

Samuel Friedman

February 27, 2004
Date

tm\4seasons\babushki\cancel\int-rfp-res