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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 2,337,607 For the Mark: WET 'N' WILD U.S.A. Mirage Cosmetics, Inc., Petitioner, v. Markwins Beauty Products, Inc., Registrant	Cancellation No. 92044816

To: Markwins Beauty Products, Inc.:

PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT

Pursuant to Rule 2.120 of the Rules of Practice in Trademark Cases and to Rule 33 of the Federal Rules of Civil Procedure, Petitioner, Mirage Cosmetics, Inc. requests that Registrant, Markwins Beauty Products, Inc., answer the following Interrogatories fully and separately, in writing and under oath, within thirty (30) days of service hereof, as provided in said Rules.

Definitions and Instructions

1. As used herein, "Petitioner" means and shall refer to the Petitioner herein, Mirage Cosmetics, Inc., each of its predecessors, directors, officers, employees, agents, and attorneys, and each person acting on its behalf or under its control.

2. As used herein, "Registrant", "you", and "your" means and shall refer to the Registrant herein, Markwins Beauty Products, Inc., as well as each of its officers, directors, employees, partners, associates, management personnel, supervisors, permanent and temporary personnel, agents, representatives, parent companies, subsidiaries, predecessors, designees,

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assignees, assignors, affiliated corporations, and/or any other person representing or purporting to represent Markwins in any capacity or under its control.

3. As used herein, the term "person" as well as pronouns referring thereto, shall refer not only to natural persons, but also, without limitation, to firms, partnerships, corporations, associations, unincorporated associations, organizations, businesses, trusts, public entities, parent companies, subsidiaries, divisions, departments or other units thereof, and/or any other type of legal entities.

4. As used herein, the term "document" includes any tangible thing from or on which information can be stored, recorded, processed, transmitted, inscribed, or memorialized in any way, by any means, regardless of technology or form, including without limitation, electronic mail communications..

5. As used herein, the term "Mark" shall refer to the WET 'N' WILD U.S.A. trademark that is the subject of Registration No. 2,337,607.

6. As used herein, "identify," with respect to natural persons, means to provide, to the extent known, the person's full name, present or last known address, and present or last known title and place, of employment; and, with respect to juristic persons, to provide, to the extent known, the person's full legal name and any assumed name(s) under which it does business, a description of the person's legal nature (e.g., corporation, partnership, joint venture, etc.), the person's principal place of business, the address(es) of the office(s) of such person which are involved in the transaction about which the interrogatory or request is seeking information, and the state and date of incorporation or other legal registration.

7. As used herein, "identify," with respect to documents, means (regardless of whether any privilege is asserted or other objection is entered) to produce the document or to

describe the document (e.g., whether it is a letter, memorandum, contract, etc.) and state its date, the name of the person or persons whose signatures are affixed or for whom signature lines were prepared if the document was unsigned, the person who prepared it, the person to whom it was addressed and/or prepared for, and a short synopsis of the document's contents, and also requires that you identify all persons known to you to have control or possession of such document or copies thereof.

8. As used herein, "identify," with respect to tangible items or devices, means (regardless of whether any privilege is asserted or other objection is entered) to produce the item or device or to describe the item or device and state its origin, the name of the person or persons who are the present custodian and a short synopsis of the item's current condition.

9. Any word written in the singular shall be construed as plural, or vice-versa, when necessary to facilitate the answer to a discovery request.

10. As used herein, the terms "all" and "each" shall be construed as all and each to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

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

12. Where a claim of privilege is asserted as to any discovery request or subpart thereof, the nature of the privilege shall be identified and the following information shall be provided:

(a) for documents: (1) the type of document; (2) the general subject matter thereof; (3) the date thereof; and (4) the author(s), addressee(s), and recipient(s) of the document and the relationship(s) among them; and

(b) for oral communications: (1) the name of the party making the communication; (2) the names of all other parties present or who received the communication; (3) the relationship(s) among said parties; (4) the date and place of the communication; and (5) the general subject matter thereof.

13. Where any objection is made to any discovery request or any subpart thereof, the nature of the objection and the grounds therefor shall be identified, and the request shall be answered in full notwithstanding the objection.

INTERROGATORIES

INTERROGATORY NO. 1. Describe the organizational structure of Registrant from its founding to the present, including, without limitation, identification of its past and present parent corporation, past and present subsidiaries and any other companies having an ownership interest in Registrant.

ANSWER:

INTERROGATORY NO. 2. Identify Registrant's corporate officers and directors from its founding to the present. As to each, state his or her office, responsibilities and period during which he or she has held such office.

ANSWER:

INTERROGATORY NO. 3. State the date on which Registrant acquired ownership of or rights in the Mark and identify the agreements and any other documents under which you acquired such ownership or rights.

ANSWER:

INTERROGATORY NO. 4. Identify each person who has knowledge concerning your acquisition of the Mark .

ANSWER:

INTERROGATORY NO. 5. At the time you acquired the Mark, identify each product labeled with the Mark that was offered for sale in the United States. For each such product, state the following at the time of such acquisition: (a) the place(s) of manufacture and assembly of such product (including city and state, if within the United States, or city and country, if outside the United States), (b) the identity of the manufacturer(s).

ANSWER:

INTERROGATORY NO. 6. Since you have owned the Mark, identify each product labeled with the Mark offered for sale in the United States that has been manufactured or assembled outside of the United States. For each such product, state the following: (a) the date when each such product was first manufactured or assembled outside the United States, (b) the location(s) (including city and country name), where the product has been manufactured or assembled since then and (c) the identity of the manufacturer(s).

ANSWER:

INTERROGATORY NO. 7. Identify each person who was responsible for or participated in the decision to manufacture or assemble any of the products identified in Interrogatory No. 6 outside of the United States.

ANSWER:

INTERROGATORY NO. 8. Identify the person or persons most knowledgeable about the manufacturing and assembly process of all products bearing the Mark.

ANSWER:

INTERROGATORY NO. 9. Identify each employee or agent of Registrant responsible for sales, marketing or advertisement of goods sold under the Mark.

ANSWER:

INTERROGATORY NO. 10. Identify each person responsible for or who participated in the design of each tag, label, product insert, container or package imprinted with the Mark on or in connection with the products identified in response to Interrogatory No. 6.

ANSWER:

INTERROGATORY NO. 11. Identify each person who was involved in choosing the specimen submitted to the PTO in support of Registrant's Combined Declaration of Use and Incontestability Under Sections 8 and 15 in connection with Registrant's registration No. 2,337,607.

ANSWER:

INTERROGATORY NO. 12. Identify all persons with knowledge regarding the first use of the Mark on any products manufactured (in whole or in part) outside of the United States.

ANSWER:

INTERROGATORY NO. 13. Describe in detail the manufacturing activities, if any, you claim occur or have occurred within the United States for any products labeled with the Mark.

ANSWER:

INTERROGATORY NO. 14. Identify all products bearing the Mark that are currently manufactured or assembled by you within the United States, if any.

ANSWER:

INTERROGATORY NO. 15. Identify all products bearing the Mark that are labeled "Made in U.S.A." or substantially equivalent language, if any.

ANSWER:

INTERROGATORY NO. 16. Identify all persons with knowledge regarding which cosmetic products bearing the Mark, if any, are currently manufactured or assembled in the United States.

ANSWER:

INTERROGATORY NO. 17. Identify all persons with knowledge regarding your efforts to relocate the manufacturing or assembly of any products bearing the Mark to one or more locations outside of the United States.

ANSWER:

INTERROGATORY NO. 18. State the gross annual revenue earned by you from the sale of any cosmetic product bearing the Mark for each year since you have owned the Mark.

ANSWER:

INTERROGATORY NO. 19. Identify each and every document that refers or relates to the retention of documents by you or any of your employees relating to Mirage Cosmetics, "Wild and Crazy" products or any dispute between Mirage Cosmetics and Registrant.

ANSWER:

INTERROGATORY NO. 20. With respect to each of the above Interrogatories, identify each person who assisted in the preparation in the answer thereto and all persons not identified elsewhere herein, having knowledge or information relating thereto.

ANSWER:

INTERROGATORY NO. 21. If your response to any Request for Admission served concurrently herewith is not an unqualified admission, please provide the following information:

1) State the number of the request;

2) State all facts upon which you base your response;

3) Identify all persons who have knowledge of those facts; and

4) Identify all documents and other tangible things that support your response.

ANSWER:

DATED this 17th day of November, 2005

MIRAGE COSMETICS, INC.

By _____
Marc C. Levy
Attorneys for Petitioner
PRESTON GATES & ELLIS LLP
925 Fourth Ave., Suite 2900
Seattle, WA 98104

ATTORNEY CERTIFICATION

The undersigned attorneys for the Markwins Beauty Products, Inc. have read the foregoing answers to interrogatories and any objections thereto, and the responses and objections are in compliance with Pursuant to Rule 2.120 of the Rules of Practice in Trademark Cases and to Rule 33 of the Federal Rules of Civil Procedure.

DATED this _____ day of _____, 2005.

SHELDON & MAK

By _____
Douglas H. Morseburg
225 South Lake Avenue, 9th Floor
Pasadena, CA 91101
Tel: (206) 796-4000
Fax: (206) 795-6321

VERIFICATION

_____, declares:

I am Markwins Beauty Products, Inc.'s authorized representative for purposes of verifying the foregoing answers to interrogatories. I have read the foregoing answers to Mirage Cosmetics, Inc.'s Interrogatories and know them to be true and correct after a diligent

investigation of matters known or reasonably available to Markwins Beauty Products, Inc. I am more than eighteen years of age and competent to make the foregoing statement.

I declare under the penalty of perjury that the foregoing is true and correct.

Signed at _____, _____ this ____ day of _____, 2004.

MARKWINS BEAUTY PRODUCTS, INC.

By: _____

Its: _____

CERTIFICATE OF MAILING

I hereby certify that the attached document, comprising of:

PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT

is being deposited with the United States Postal Service in an envelope bearing sufficient postage and is being sent via first-class mail under 37 C.F.R. § 1.08 on November 17, 2005 and is addressed to:

Commissioner for Trademarks
Trademark Trial and Appeal Board
BOX TTAB FEE
P. O. Box 1451
Alexandria, VA 22313-1451

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