

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

In the matter of Registration Nos. 2,793,533, 2,634,215 and 2,735,848  
Issued on December 16, 2003, October 12, 2002 and April 22, 2003, respectively

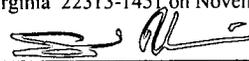
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| <p>GLENN DANZIG,<br/><br/>Petitioner,<br/><br/>v.<br/><br/>CYCLOPIAN MUSIC, INC.,<br/><br/>Registrant.</p> | <p>Cancellation No. 92045173</p> <p>Mark: MISFITS</p> <p>Our File No.: 64162-0002</p> |  <p>11-20-2006<br/>U.S. Patent &amp; TMO/TM Mail Rcpt Dt. #32</p> |
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and the identified enclosures are being deposited with the U.S. Postal Service overnight Express Mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on November 16, 2006.

By: \_\_\_\_\_



Simone Robinson

**SUPPLEMENTAL DECLARATION OF BRIAN W. KASELL IN SUPPORT OF  
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

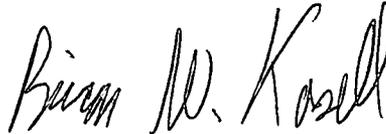
I, Brian W. Kasell, declare that:

1. I am an attorney at law duly licensed to practice in the State of California and before this Court. I am a partner with Jeffer, Mangels, Butler & Marmaro LLP, counsel of record for Petitioner Glenn Danzig ("Petitioner") in this action. I have personal and direct knowledge of the facts stated herein and, if called upon as a witness, I could and would testify competently thereto. This declaration is submitted in support of Petitioner's Motion for Summary Judgment.

2. Attached hereto as Exhibit A is a true and correct copy of Petitioner's Responses to Registrant's First Set of Interrogatories, which were served on Registrant on June 30, 2006.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed in Los Angeles, California on November 16, 2006.

A handwritten signature in cursive script that reads "Brian W. Kasell". The signature is written in black ink and is positioned above a horizontal line.

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Brian W. Kasell

***EXHIBIT A***

***EXHIBIT A***

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

In the matter of Registration Nos. 2,793,533, 2,634,215 and 2,735,848  
Issued on December 16, 2003, October 12, 2002 and April 22, 2003, respectively

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| <p>GLENN DANZIG,<br/><br/>                    Petitioner,<br/><br/>          v.<br/><br/>CYCLOPIAN MUSIC, INC.,<br/><br/>                    Registrant.</p> | <p>Cancellation No. 92045173<br/><br/>Mark: MISFITS<br/><br/>Our File No.: 64162-0002</p> |
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TO REGISTRANT CYCLOPIAN MUSIC, INC. AND ITS ATTORNEYS OF RECORD:

Petitioner Glenn Danzig ("Danzig" or "Respondent") hereby responds and objects to the First Set of Interrogatories propounded on May 26, 2006 by Registrant Cyclopien Music, Inc. ("Cyclopien" or "Registrant").

**PRELIMINARY STATEMENT**

Danzig is presently pursuing his investigation and analysis of the facts and law relating to this case, and has not completed his discovery or preparation for trial. Therefore, the responses set forth herein are given without prejudice to Danzig's right to produce evidence of any subsequent facts or interpretations thereof, or to add to, modify or otherwise change or amend the responses herein. The information hereinafter set forth is true and correct to the best knowledge of Danzig as of this date, and is subject to correction for inadvertent errors, mistakes or omissions, if any such errors, mistakes or omissions should be found to exist. These

responses are based upon records and information presently available to Danzig. References in a response to a preceding or subsequent response incorporates both the information and objections set forth in the referenced response.

Danzig reserves the right to introduce at trial any and all documents heretofore or hereinafter produced by the parties in this action or by any third party that supports or tends to support its contentions at trial or in support of or in opposition to any motion in this case. To the extent that Danzig identifies certain documents or delineates facts contained within any document or otherwise, it does so without prejudice to establish at a later date any additional facts that may be contained within or discovered as a result of subsequent review of such document or as a result of any additional investigation and discovery.

Inadvertent identification or production of documents or information by Danzig does not constitute a waiver of any applicable privilege, nor does information or production of any documents or information waive any objection, including relevancy, to the admission of such document in evidence.

### **GENERAL OBJECTIONS**

The responses set forth below are submitted subject to the following general objections. These general objections are made to each and every individual request and are incorporated by reference into each of the specific responses set forth below. From time to time, and for purpose of emphasis, Danzig may restate one or more of the General Objections as specific objections to individual Interrogatories. Such restatement, or the failure to restate, should not be taken as a waiver of any General Objection not restated.

GENERAL OBJECTION NO. 1

Danzig objects to Cycloplan's "Definitions" to the extent they purport to impose on Danzig obligations beyond those imposed by the Code of Civil Procedure and the Trademark Trial and Appeal Board Manual of Procedure.

GENERAL OBJECTION NO. 2

Danzig objects to each and every Interrogatory to the extent that it calls for information protected from disclosure by the attorney-client privilege, work-product doctrine and/or any other applicable privilege or protection from discovery.

GENERAL OBJECTION NO. 3

Danzig objects to each and every Interrogatory to the extent that it purports to require Danzig to produce information that is not within his possession, custody or control.

GENERAL OBJECTION NO. 4

Danzig objects to each and every Interrogatory to the extent that it is neither relevant to any claim or defense in this action, nor reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION NO. 5

Danzig objects to each and every Interrogatory to the extent that it calls for information that is protected by his and/or other's rights of confidentiality and/or privacy, as provided by contract or other agreement, the California and United States Constitutions and/or any other statute or legal authority.

GENERAL OBJECTION NO. 6

Plaintiff objects to each and every Interrogatory to the extent that it calls for the production of trade secrets, confidential information or proprietary information regarding Plaintiff's business activities and/or business operations. Danzig will produce such information pursuant to the terms of a mutually agreed upon Protective Order entered by the TTAB.

**RESPONSES TO REGISTRANT'S FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1:

Identify when and how you first became aware of U.S. Trademark Registration No. 2,793,533 ("533 Registration") or the application leading to the '533 Registration. In your response, identify every person known to you to have knowledge of when and how you first became aware of the '533 Registration or the application leading to the '533 Registration and every document that evidences such knowledge.

RESPONSE TO INTERROGATORY NO. 1:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to Interrogatory No. 1 on the grounds that it is overbroad and unduly burdensome. Danzig further objects to this Interrogatory because it is compound, and consists of three separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: Danzig first learned of Cyclopien's registration of the MISFITS marks when he received an e-mail message from Gerald Caiafa's manager, John Califera, claiming that Cyclopien owned the exclusive rights to the MISFITS marks and in particular the MISFITS "skull" mark. Danzig immediately notified Cyclopien that, under the parties' settlement agreement, neither party could independently or exclusively claim ownership rights to the MISFITS marks. Danzig also immediately undertook an investigation to determine what marks Cyclopien had sought to register and what rights

Cycloplan was claiming. Through this investigation, Danzig discovered Cycloplan's registrations for the MISFITS marks.

The following individuals were aware of Danzig's discovery of Cycloplan's registration of the MISFITS marks:

Glenn Davis, attorney for Glenn Danzig

John Califera, manager for Gerald Caiafa

Felix Sebacious, Bluegrape merchandizing

INTERROGATORY NO. 2:

Identify when and how you first became aware of U.S. Trademark Registration No. 2,634,215 ("215 Registration") or the application leading to the '215 Registration. In your response, identify every person known to you to have knowledge of when and how you first became aware of the '215 Registration or the application leading to the '215 Registration and every document that evidences such knowledge.

RESPONSE TO INTERROGATORY NO. 2:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to Interrogatory No. 2 on the grounds that it is overbroad and unduly burdensome. Danzig further objects to this Interrogatory because it is compound, and consists of three separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: Danzig first learned of Cycloplan's registration of the MISFITS marks when he received an e-mail message from Gerald Caiafa's manager, John Califera, claiming that Cycloplan owned the exclusive rights to the MISFITS marks and in particular the MISFITS "skull" mark. Danzig immediately notified Cycloplan that, under the parties' settlement agreement, neither party could independently or exclusively claim ownership rights to the MISFITS marks. Danzig also immediately undertook an investigation to determine what marks Cycloplan had sought to register and what rights

Cycloplan was claiming. Through this investigation, Danzig discovered Cycloplan's registrations for the MISFITS marks.

The following individuals were aware of Danzig's discovery of Cycloplan's registration of the MISFITS marks:

Glenn Davis, attorney for Glenn Danzig

John Califera, manager for Gerald Caiafa

Felix Sebacious, Bluegrape merchandizing

INTERROGATORY NO. 3:

Identify when and how you first became aware of U.S. Trademark Registration No. 2,735,848 ("848 Registration") or the application leading to the '848 Registration. In your response, identify every person known to you to have knowledge of when and how you first became aware of the '848 Registration or the application leading to the '848 Registration and every document that evidences such knowledge.

RESPONSE TO INTERROGATORY NO. 3:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to Interrogatory No. 3 on the grounds that it is overbroad and unduly burdensome. Danzig further objects to this Interrogatory because it is compound, and consists of three separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: Danzig first learned of Cycloplan's registration of the MISFITS marks when he received an e-mail message from Gerald Caiafa's manager, John Califera, claiming that Cycloplan owned the exclusive rights to the MISFITS marks and in particular the MISFITS "skull" mark. Danzig immediately notified Cycloplan that, under the parties' settlement agreement, neither party could independently or exclusively claim ownership rights to the MISFITS marks. Danzig also immediately undertook an investigation to determine what marks Cycloplan had sought to register and what rights

Cyclopien was claiming. Through this investigation, Danzig discovered Cyclopien's registrations for the MISFITS marks.

The following individuals were aware of Danzig's discovery of Cyclopien's registration of the MISFITS marks:

Glenn Davis, attorney for Glenn Danzig

John Califera, manager for Gerald Caiafa

Felix Sebacious, Bluegrape merchandizing

INTERROGATORY NO. 4:

Identify each and every product you have sold or offered for sale using the MISFITS Mark since December 31, 1994.

RESPONSE TO INTERROGATORY NO. 4:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to Interrogatory No. 4 on the grounds that it is overbroad and unduly burdensome.

Subject to and without waiver of his objections, Danzig responds as follows: Danzig has sold at least the following items under the MISFITS mark since December 31, 1994: t-shirts, sweatshirts, and stickers. Danzig additionally responds that products bearing the MISFITS marks were sold through licensed merchandising companies, who handled the production and sale of these items. Danzig is unable to provide a list of such products.

INTERROGATORY NO. 5:

For each product identified in response to Interrogatory No. 4, identify (i) the date(s) the product was sold or offered for sale; (ii) the geographic location(s) where the product was sold or offered for sale; (iii) the person(s) involved in the sale of the product, the distribution of the product and the offer to sell the product; (iv) the dollar volume of sales for the product; and (v) the number of units or pieces sold.

RESPONSE TO INTERROGATORY NO. 5:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further incorporates his objections to Interrogatory No. 4 as if fully set forth herein. Danzig further objects to this Interrogatory because it is compound, and consists of five separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: Products bearing the MISFITS marks were sold through licensed merchandising companies, who handled the production and sale of these items. Danzig is unable to provide the information requested for such products.

INTERROGATORY NO. 6:

Identify each and every service you have performed or offered to perform using the MISFITS Mark since December 31, 1994.

RESPONSE TO INTERROGATORY NO. 6:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to Interrogatory No. 4 on the grounds that it is overbroad and unduly burdensome.

Subject to and without waiver of his objections, Danzig responds as follows: Following the sale of the Misfits catalog, Danzig did not perform or make any appearances under the Misfits name.

INTERROGATORY NO. 7:

For each service identified in response to Interrogatory No. 6, identify (i) the date(s) the service was performed or offered; (ii) the geographic location(s) where the service was performed or offered; (iii) the person(s) involved in the performance of the service, or the offer to perform; and (iv) the revenues and profits generated from the performance of the service.

RESPONSE TO INTERROGATORY NO. 7:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further incorporates his objections to Interrogatory No. 6 as if fully set forth herein. Danzig further objects to this Interrogatory because it is compound, and consists of four separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: Following the sale of the Misfits catalog, Danzig did not perform or make any appearances under the Misfits name.

INTERROGATORY NO. 8:

Identify each and every agreement or contract between you and any other person regarding use of the MISFITS Mark, including any license agreements or consent agreements. In your response, identify every person known to you to have knowledge of such agreements and every document that evidences such agreements.

RESPONSE TO INTERROGATORY NO. 8:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome in that it is not limited as to time. Danzig further objects to this Interrogatory because it is compound, and consists of four separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: Danzig has licensed the MISFITS marks to various merchandising companies. Since December 31, 1994, Danzig has licensed the MISFITS marks to at least the following companies: Brockrum, Bluegrape and Chaser.

The following individuals have knowledge of Danzig's agreements to license the MISFITS marks:

Glenn Davis, attorney to Glenn Danzig

Bridget Wright, agent to Glenn Danzig  
Scott Harrington, former attorney to Glenn Danzig  
Bob Ringe, former manager to Glenn Danzig  
Robert Arce, Chaser merchandising  
Felix Sebacious, Bluegrape merchandizing

INTERROGATORY NO. 9:

Identify each and every agreement or contract between you and any other person regarding ownership of the MISFITS Mark, including any assignments. In your response, identify every person known to you to have knowledge of such agreements and every document that evidences such agreements.

RESPONSE TO INTERROGATORY NO. 9:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome in that it is not limited as to time. Danzig further objects to this Interrogatory because it is compound, and consists of four separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R. 2.120(d)(1).

Subject to and without waiver of his objections, Danzig responds as follows: The only agreement presently in effect that governs ownership of the MISFITS marks is the settlement agreement between the parties to this action.

INTERROGATORY NO. 10:

Identify all corporations, partnerships and/or other entities in which you own any interest.

RESPONSE TO INTERROGATORY NO. 10:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome in that it requests information regarding Danzig's activities unrelated to the MISFITS marks or this

Proceeding. Danzig further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of relevant or admissible information.

INTERROGATORY NO. 11:

Identify and describe with particularity all factual and legal bases for your allegation that you are "co-owner of the name and trademark the MISFITS." In your response, identify every person known to you to have knowledge of such facts and every document that evidences such facts.

RESPONSE TO INTERROGATORY NO. 11:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory because it calls for information that is available to Cyclopien in documents and court files which are a matter of public record and, thus, the Interrogatory is unduly burdensome and/or harassing.

Subject to and without waiver of his objections, Danzig responds as follows: Information responsive to this Interrogatory is set forth in detail in Danzig's complaint on file in this action and Danzig's Opposition to Cyclopien's Motion to Dismiss, filed on or about January 18, 2006, both of which are incorporated herein by reference. Substantially the same information as requested by this Interrogatory can be readily ascertained by reviewing the foregoing documents. Responsive information can also be found in the settlement agreement between the parties, which is equally available to Cyclopien.

The following individuals have knowledge of the facts that support Danzig's claims:

Glenn Davis, attorney to Glenn Danzig

Gerald Caiafa

Paul Caiafa

John Califera, manager for Gerald Caiafa

INTERROGATORY NO. 12:

Identify and describe with particularity all factual and legal bases for your allegation that the Registrations "are invalid and were fraudulently obtained by Registrant." In your response, identify every person known to you to have knowledge of such facts and every document that evidences such facts.

RESPONSE TO INTERROGATORY NO. 12:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory because it calls for information that is available to Cycloplan in documents and court files which are a matter of public record and, thus, the Interrogatory is unduly burdensome and/or harassing.

Subject to and without waiver of his objections, Danzig responds as follows: Information responsive to this Interrogatory is set forth in detail in Danzig's complaint on file in this action and Danzig's Opposition to Cycloplan's Motion to Dismiss, filed on or about January 18, 2006, both of which are incorporated herein by reference. Substantially the same information as requested by this Interrogatory can be readily ascertained by reviewing the foregoing documents. Responsive information can also be found in the settlement agreement between the parties, which is equally available to Cycloplan.

The following individuals have knowledge of the facts that support Danzig's claims:

Glenn Davis, attorney to Glenn Danzig

Gerald Caiafa

Paul Caiafa

John Califera, manager for Gerald Caiafa

INTERROGATORY NO. 13:

Identify and describe with particularity all factual and legal bases for your contention that the "Settlement Agreement does not place any limits on co-ownership of the MISFITS marks in

terms of particular goods and services." In your response, identify every person known to you to have knowledge of such facts and every document that evidences such facts.

RESPONSE TO INTERROGATORY NO. 13:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory because it calls for information that is available to Cyclopien in documents and court files which are a matter of public record and, thus, the Interrogatory is unduly burdensome and/or harassing.

Subject to and without waiver of his objections, Danzig responds as follows: Information responsive to this Interrogatory is set forth in detail in Danzig's complaint on file in this action and Danzig's Opposition to Cyclopien's Motion to Dismiss, filed on or about January 18, 2006, both of which are incorporated herein by reference. Substantially the same information as requested by this Interrogatory can be readily ascertained by reviewing the foregoing documents. Responsive information can also be found in the settlement agreement between the parties, which is equally available to Cyclopien.

The following individuals have knowledge of the facts that support Danzig's claims:

Glenn Davis, attorney to Glenn Danzig

Gerald Caiafa

Paul Caiafa

John Califera, manager for Gerald Caiafa

INTERROGATORY NO. 14:

Identify and describe with particularity all factual and legal bases for your contention that Gerard Caiafa's and Paul Caiafa's exclusive right to publicly perform and record as the Misfits "is separate from, and has no impact on," your alleged trademark co-ownership rights. In your response, identify every person known to you to have knowledge of such facts and every document that evidences such facts.

RESPONSE TO INTERROGATORY NO. 14:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory because it calls for information that is available to Cyclopien in documents and court files which are a matter of public record and, thus, the Interrogatory is unduly burdensome and/or harassing.

Subject to and without waiver of his objections, Danzig responds as follows: Information responsive to this Interrogatory is set forth in detail in Danzig's complaint on file in this action and Danzig's Opposition to Cyclopien's Motion to Dismiss, filed on or about January 18, 2006, both of which are incorporated herein by reference. Substantially the same information as requested by this Interrogatory can be readily ascertained by reviewing the foregoing documents. Responsive information can also be found in the settlement agreement between the parties, which is equally available to Cyclopien.

The following individuals have knowledge of the facts that support Danzig's claims:

Glenn Davis, attorney to Glenn Danzig

Gerald Caiafa

Paul Caiafa

John Califera, manager for Gerald Caiafa

INTERROGATORY NO. 15:

Identify specifically and in detail the harm, if any, suffered by you as a result of the Registrations. In your response, identify every person known to you to have knowledge of such harm and every document that evidences such harm.

RESPONSE TO INTERROGATORY NO. 15:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory on the grounds that it is vague and ambiguous in that the terms "harm" and "result" are not defined.

Subject to and without waiver of his objections, Danzig responds as follows:  
Representatives of Cycloplan claimed exclusive rights in the MISFITS marks and threatened legal action against businesses that carried Danzig's MISFITS merchandise, including, without limitation, Hot Topic. Cycloplan directly contacted businesses selling Danzig's MISFITS products to make these threats and sought to discourage companies from doing business with Danzig or his licensees. Cycloplan's actions constituted interference with existing and prospective business relationships and interfered with Danzig's ability to exploit his product as permitted by the parties' settlement agreement.

Individuals with knowledge of Cycloplan's interference with Danzig's business activities and the damage caused by Cycloplan's actions include:

Glenn Davis, attorney to Glenn Danzig

Robert Arce, Chaser merchandising

Felix Sebacious, Bluegrape merchandizing

INTERROGATORY NO. 16:

Identify each person you intend to call as a witness during the testimony period and describe with particularity the subject matter on which the witness is expected to testify. For any expert witnesses, identify and describe with particularity: (i) each opinion and conclusion on which the expert is expected to testify; (ii) the expert's qualifications, including without limitation, educational background, professional experience, writings, professional appointments and associations; and (iii) all documents and information provided to and/or considered by the expert.

RESPONSE TO INTERROGATORY NO. 16:

Danzig incorporates his General Objections as if fully set forth herein. Danzig further objects to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Danzig further objects to this Interrogatory because it is compound, and consists of two separate interrogatories, each of which count against the numerical limit of 75 set forth in 37 C.F.R.

2.120(d)(1). Danzig further objects to this Interrogatory on the grounds that it calls for premature disclosure of expert testimony and information in violation of Rule 26 of the Federal Rules of Civil Procedure. Danzig will disclose expert testimony and information only in accordance with the applicable federal rules and TTAB rules.

Subject to and without waiver of his objections, Danzig responds as follows: This lawsuit is in its initial stages and discovery is continuing. Danzig has therefore not made a final determination regarding the witnesses to be called during the testimony period and expressly reserves the right to amend, supplement and revise this response as its discovery continues and as further information become available.

The following individuals may be called during the testimony period:

Glenn Danzig, Petitioner. Mr. Danzig has knowledge regarding the parties' settlement agreement, Petitioner's use of the MISFITS marks, and the damage to Petitioner as a result of Cyclopien's registration of the MISFITS marks.

Gerald Caiafa. Mr. Caiafa has knowledge regarding the parties' settlement agreement and Cyclopien's use of the MISFITS marks.

Paul Caiafa. Mr. Caiafa has knowledge regarding the parties' settlement agreement and Cyclopien's use of the MISFITS marks.

Robert Arce, Chaser merchandising. Mr. Arce has knowledge regarding Petitioner's use and licensing of the MISFITS marks and the damage to Petitioner as a result of Cyclopien's registration of the MISFITS marks.

Felix Sebacious, Bluegrape merchandizing. Mr. Sebacious has knowledge regarding Petitioner's use and licensing of the MISFITS marks and the damage to Petitioner as a result of Cyclopien's registration of the MISFITS marks.

INTERROGATORY NO. 17:

Identify each and every person who provided information or assistance in preparing the answers to these interrogatories, including any person who gathered the information and documents.

RESPONSE TO INTERROGATORY NO. 17:

Glenn Danzig, Petitioner

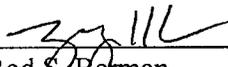
Glenn Davis, attorney to Glenn Danzig,

Zoey Kohn, associate, Jeffer, Mangels, Butler & Marmaro LLP, attorneys of record.

Brian W. Kasell, partner, Jeffer, Mangels, Butler & Marmaro LLP, attorneys of record.

Respectfully submitted,

Dated: June 30, 2006

By:  \_\_\_\_\_

Rod S. Berman

Brian W. Kasell

Zoey Kohn

JEFFER, MANGELS, BUTLER & MARMARO, LLP

1900 Avenue of the Stars, 7<sup>th</sup> Floor

Los Angeles, CA 90067

Tel: (310) 203-8080

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Attorneys for Petitioner, Glenn Danzig

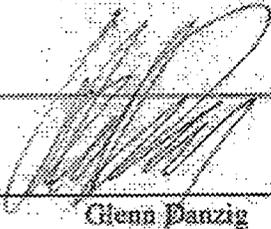
VERIFICATION

I have read the foregoing PETITIONER GLENN DANZIG'S RESPONSES TO APPLICANT CYCLOPIAN MUSIC, INC.'S FIRST SET OF INTERROGATORIES, and know its contents.

I am a party to this action, and I make this verification for that reason. I have read the foregoing document and know its contents. I am informed and believe that the matters stated herein are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on June 30, 2006, at 12:00

  
\_\_\_\_\_  
Glenn Danzig

**CERTIFICATE OF SERVICE**

It is hereby certified that on **June 30, 2006**, a copy of the foregoing **PETITIONER'S RESPONSE TO REGISTRANT'S FIRST SET OF INTERROGATORIES** has been sent by first class mail, postage prepared to the attorney of record for Registrant:

Curtis B. Krasik  
Sabrina J. Hudson  
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP  
535 Smithfield Street  
Pittsburg, Pennsylvania 15222  
Telephone: (412) 355-6500  
Facsimile: (412) 355-6501

A handwritten signature in cursive script that reads "Dianne Nicholson". The signature is written in black ink and is positioned above a horizontal line.

Dianne Nicholson

**CERTIFICATE OF SERVICE**

It is hereby certified that on **November 16, 2006**, a copy of the foregoing **SUPPLEMENTAL DECLARATION OF BRIAN W. KASELL IN SUPPORT OF PETITIONER'S MOTION FOR SUMMARY JUDGMENT** has been sent by first class mail, postage prepared to the attorney of record for Registrant:

Curtis B. Krasik, Esq.  
Sabrina J. Hudson, Esq.  
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP  
535 Smithfield Street  
Pittsburg, Pennsylvania 15222  
Telephone: (412) 355-6500  
Facsimile: (412) 355-6501



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Simone Robinson