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Filing date: **01/11/2011**

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

Proceeding	92051140
Party	Plaintiff Leonid Nahshin
Correspondence Address	VERA CHERNOBYLSKY LAW OFFICES OF VERA CHERNOBYLSKY 4623 DUNMAN AVENUE WOODLAND HILLS, CA 91364 UNITED STATES vchernob@yahoo.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Vera Chernobytsky
Filer's e-mail	vchernob@yahoo.com
Signature	/Vera Chernobytsky/
Date	01/11/2011
Attachments	Notice of Reliance Part A Interr.pdf (4 pages)(147915 bytes) Exhibit A to Notice of Reliance D's answ to P's !st Inter.pdf (28 pages)(1854121 bytes) Exhibit C to Notice of Reliance Reducted Inter.pdf (15 pages)(680144 bytes) Exhibit E to Notice of Reliance Ps Answ to 1st Inter.pdf (49 pages)(3329444 bytes) Exhibit F to Notice of Reliance Ps Answ to 2nd Int.pdf (50 pages)(2284495 bytes)

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

Leonid Nahshin,
Plaintiff-Petitioner

v.

Product Source International, LLC
Defendant-Respondent

Petition No.: 92/051,140
Registration No.: 3,350,041
Mark: NIC-OUT
Interlocutory Attorney:
Ann Linnechan, Esq.

PLAINTIFF-PETITIONER, LEONID NAHSHIN'S,
NOTICE OF RELIANCE Part A

To: Product Source International, LLC – Defendant-Respondent

Notice is given that, pursuant to Trademark Rule 2.120(j), 37 CFR § 2.120(j), Plaintiff-Petitioner, Leonid Nahshin (hereafter “Petitioner”), hereby notices introduction into evidence Defendant-Respondent, Product Source International’s (hereafter “Respondent”), answers to Petitioner’s First Set of Interrogatories, answers to Petitioner’s First Amended Set of Interrogatories (redacted to eliminate protected information), Respondent’s Response to Petitioner’s First Request for Production of Documents, Petitioner’s answers to Respondent’s First Set of Interrogatories, Petitioner’s answers to Respondent’s Second Set of Interrogatories, Petitioner’s Response to Respondent’s First Set of Request for Production of Documents, Petitioner’s Response to Respondent’s Second Set of Request for Production of Documents.

Relevant Facts

Stated above documents are relevant to the case as showing:

1. Respondent’s first date of use of Trademark NIC-OUT in the United States, its further use of said Trademark.

2. Relationship in 2003 between Eugene Higgins, owner of Product Source International, and Nickolas Maslov, at that time, representative and partner of Leonid Nahshin, Petitioner, in the United States.
3. Contractual relationship between Mr. Maslov and Petitioner.
4. Petitioner's first date of use of the Trademark NIC-OUT in the United States.
5. Petitioner's intent to protect his Intellectual Property Rights, his Trademark NIC-OUT, in the United States.
6. Petitioner's continuous use of its Trademark NIC-OUT in the United States.

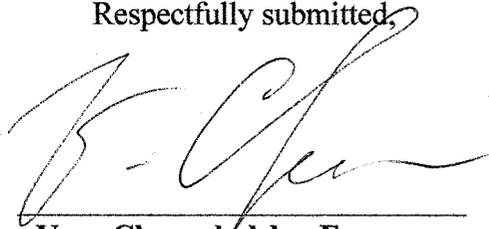
Attached to this notice and forming part hereof are the following:

1. Respondent's answers to Petitioner's First Set of Interrogatories, Respondent's Response to Petitioner's First Request for Production of Documents, Petitioner's First Set of Interrogatories (a true and correct copy is annexed here as "**Exhibit A.**");
2. Second set of Respondent's answers to Petitioner's First Amended Set of Interrogatories (a true and correct copy is annexed here as "**Exhibit C.**"), (in "Exhibit C" "Confidential" part of the document was removed from the document);
3. Petitioner's answers to Respondent's First Set of Interrogatories, Petitioner's Response to Respondent's First Set of Request for Production of Documents and Documents produced by the Petitioner in response to Respondent's First Set of Requests for Production of Documents 000001-000003; 000017-000025; 000030-000035; 000054-000056; 000058; 000081-000083; 000092-000094; 000102-000106, (a true and correct copy is annexed here as "**Exhibit E.**").
4. Petitioner's answers to Respondent's Second Set of Interrogatories and Documents Produced by Petitioner in response to Respondent's Second Set of Interrogatories: 000107-000108;

000111-000122; 000150; 000152-000158; 000163-000164; 000167; 000176-000184, (a true and correct copy is annexed here as "Exhibit F.").

DATED: January 12, 2011

Respectfully submitted,

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

By:

Vera Chernobylsky, Esq.

Attorney of Record for Leonid Nahshin

LAW OFFICES OF VERA CHERNOBYLSKY

Tel: 818-251-6783

Fax: 818-638-7844

E-mail: Vchernob@yahoo.com

Website: www.VChernPatLaw.com

4623 Dunman Avenue

Woodland Hills, California, 91364

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

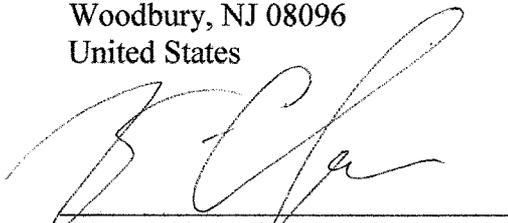
In the matter of U.S. Registration 3,350,041,
For the mark NIC OUT,
Registered on the Principal Register on December 4, 2007.

Leonid Nahshin,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Petition No. 92051140
	:	
Product Source International, LLC,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HERBEY CERTIFY that a true and accurate copy of the foregoing Plaintiff-Applicant's First Set of Interrogatories was submitted, this 12 day of January, 2011, to the following via first-class U.S. Mail, postage pre-paid:

Anthony J. DiMarino
A.J. DiMarino P.C.
Fax: 856.853.0055
57 Euclid Street, Suite A
Woodbury, NJ 08096
United States



Vera Chernobylsky, Esq.

EXHIBIT "A"
(to NOTICE OF RELIANCE)

July 19, 2010

Anthony J. DiMarino
Member of New Jersey Bar
Member of Pennsylvania Bar
Registered Patent Attorney

Damian M. Biondo
Of Counsel
Member of New Jersey Bar
Member of Pennsylvania Bar
Registered Patent Attorney

Via Fax & First Class Mail

Vera Chernobytsky, Esq.
Law Offices of Vera Chernobytsky
4623 Dunman Avenue
Woodland Hills, California 91364-3817

Re: NIC OUT Cancellation Proceeding—Discovery Matters

Dear Ms. Chernobytsky:

We are in receipt of Mr. Nahshin's responses to PSI's first set of discovery requests, which you kindly sent to this firm on June 23, 2010, by facsimile and by first-class mail. We appreciate you and your client's efforts to comply with the duty to reply to our requests.

We do ask, however, that you confirm for us whether the responses served upon this firm are, in fact, what you consider Nahshin's complete response or whether you anticipate supplementing the response at a later date. We will presume your responses are complete if we do not hear from you, but request confirmation nonetheless.

We note, moreover, that Nahshin's initial disclosures pursuant to TTAB-modified Rules 26(a)(1)-(4), 37 C.F.R. § 2.120(a)(1)-(3) were due on June 18. Despite PSI's compliance with Rule 26, Nahshin's initial disclosures are now long overdue. Please supply them immediately. Otherwise this firm will have no option but to pursue a motion to compel their production and will seek to recoup from your client the legal costs for doing so.

Technically, given the precise language of 37 C.F.R. § 2.120(a)(3), namely, "a party must make its initial disclosures prior to seeking discovery, absent modification of this requirement," (emphasis added) PSI is not even required to respond to the discovery requests Nahshin has propounded to date. Without waiving this objection for future discovery responses—indeed, the objection will be raised emphatically—PSI nonetheless responds to Nahshin's first set of discovery requests as a matter of professional courtesy.

Specifically, we are in receipt of both Plaintiff-Petitioner's First Set of Requests for Production of Documents and Plaintiff Petitioner's First Set of Interrogatories, sent by facsimile on June 18, 2010, and formally received by first-class mail on June 22, 2010. PSI responds to them with the enclosed PSI's Responses to Plaintiff-Petitioner's First Set of Requests for Production of Documents along with the enclosed PSI's Objections to Plaintiff-Petitioner's First Set of Interrogatories. We do however have several rather substantial objections to both the requests for documents and the interrogatories, as described more fully below.

Preliminarily to the substance of PSI's objections, though, please note that we have never received your explicit consent to our request for a stipulation to accept service of discovery by facsimile. In the interests of civility and efficiency, we would like clarity on this matter and can only presume that you do, in fact, consent. We are not otherwise able to interpret the request in your June 18 facsimile to provide responses to Nahshin's first set of discovery within thirty (30) days in view of the language of TMBP 403.03 (allowing five (5) additional days for response if the discovery is served by mail).

In the absence of such clarity, we have cautiously responded within the requested thirty (30) days as another courtesy. Please inform us immediately if our interpretations of your actions are incorrect—in which case we will calculate subsequent response deadlines accordingly by adding another five (5) days.

Regarding the substance of Nahshin's requests, please note that PSI objects to the entire first set of interrogatories as overly broad, unduly burdensome, and directed toward information that is protected by one or more evidentiary privileges such as the attorney-client privilege and/or the attorney work-product doctrine. Furthermore, PSI respectfully draws your attention to TMBP § 405.03(d) *et seq.* regarding the proper manner in which to count interrogatories in a Board proceeding.

Even our most generous estimate counts Nahshin's interrogatories at no less than one hundred twenty-one (121) separate inquiries within just his first set alone when the stated limit for the entire proceeding is only seventy-five (75). Pursuant to TMBP § 405.03(e) PSI hereby objects to the entire first set of interrogatories as excessive in number and declines to respond to any of them in particular.

Please instead re-serve Nahshin's interrogatories after limiting their number to an appropriate range in consultation with the above-noted sections from the TBMP. PSI will consider an appropriate response at that time. In the interim PSI provides its formal objection in the form of PSI'S Objections to Plaintiff-Petitioner's First Set of Interrogatories.

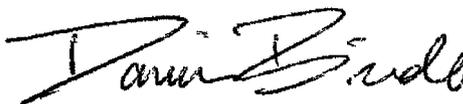
Further pursuant to TMBP § 405.03(e), PSI objects to Request Nos. 14 through 21 of Plaintiff-Petitioner's First Set of Requests for Production of Documents inasmuch as they seek "all documents requested to be identified in Interrogator(ies)" 9, 10, 11, 17, 19, 20, 22, and 24, respectively. The identified interrogatories are among those objected to because of their excessive number, and as such PSI declines to respond to them at this time.

PSI further objects to all 21 document requests as overly broad, unduly burdensome, and directed toward information that is protected by one or more evidentiary privileges such as the attorney-client privilege and/or the attorney work-product doctrine. Nonetheless, in the interests of civility and to propel the dispute toward a speedy resolution, PSI provides its formal response to Requests No. 1 through 13 in the form of the enclosed PSI's Responses to Plaintiff-Petitioner's First Set of Requests for

Production of Documents. Some of the documents responsive to these requests may fall under one or more evidentiary privileges, and we anticipate turning over a privilege log in due course.

Please do not hesitate to contact me or another member of this firm should you have any questions concerning our response and objections. PSI's next round of discovery will be sent forthwith.

Very truly yours,

A handwritten signature in black ink, appearing to read "Damian Biondo". The signature is written in a cursive, flowing style.

Damian M. Biondo, Esquire

DMB/sld

Enclosure

Cc: Mr. Gene Higgins

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

Leonid Nahshin,
Plaintiff-Petitioner

vs.

Product Source International, LLC
Defendant-Respondent

Opposition No.: 92/051,140
Registration No.: 3,350,041
Mark: NIC-OUT
Interlocutory Attorney:
Ann Linnehan, Esq.

**PSI'S OBJECTIONS TO
PLAINTIFF-PETITIONER'S FIRST SET OF INTERROGATORIES**

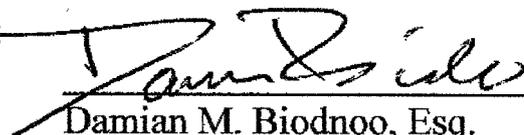
COMES NOW Defendant-Respondent Product Source International, LLC ("PSI") and respectfully provides the following objections and responses to Plaintiff-Petitioner's First Set of Interrogatories ("Interrogatories").

Without waiving any subsequent objections or other grounds for non-response or limited response to the Interrogatories, PSI objects to the Interrogatories as excessive in number pursuant to TMBP § 405.03(d). PSI therefore declines to respond to the Interrogatories, pursuant to TMBP § 405.03(e), until their number is reduced to within an acceptable range for the proceeding.

DATED: July 19, 2010

Respectfully submitted,

By:



Damian M. Biodnoo, Esq.
Attorney of Record for
Product Source International
U.S.P.T.O. REG. NO. 53,992
A.J. DiMarino, P.C.
57 Euclid Street, Ste. A
Woodbury, NJ 08096-4633
biondo@dimarinolaw.com

CERTIFICATE OF SERVICE

I, Damian M. Biondo, Esquire, counsel to Product Source International, LLC, hereby certify that the foregoing *PSI'S RESPONSE TO PLAINTIFF-PETITIONER'S FIRST SET OF INTERROGATORIES* was sent this 19th day of July, 2010, via facsimile and regular mail to the below-named counsel for Plaintiff-Petitioner Leonid Nahshin:

Vera Chernobylsky, Esq.
Law Offices of Vera Chernobylsky
4623 Dunman Avenue
Woodland Hills, CA 91364
UNITED STATES
FAX: 818-638-7844
vchernob@yahoo.com


Damian M. Biondo, Esq.

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

Leonid Nahshin,
Plaintiff-Petitioner

vs.

Product Source International, LLC
Defendant-Respondent

Opposition No.: 92/051,140

Registration No.: 3,350,041

Mark: NIC-OUT

Interlocutory Attorney:

Ann Linnehan, Esq.

**PSI'S RESPONSE TO PLAINTIFF-PETITIONER'S
FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW Defendant-Respondent Product Source International, LLC ("PSI") and respectfully provides the following objections and responses to Plaintiff-Petitioner's First Set of Requests for Production of Documents.

Request No. 1

Produce all documents pertaining the creation, development, refinement, and eventual selection of the Mark as a trademark, branding strategy, and/or business tactic used to promote, sell, or otherwise market the Product or any other good or service at the time of filing trademark application for the Mark, at the time of first use, and first use in commerce of the Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 2

Produce all documents pertaining to the selection and pre-filing clearance, investigation, trademark search, and/or other inquiry conducted by you, and/or on your behalf, in connection with assessing the availability, registrability, or use of the trademark name NIC-OUT related to the Product of Trademark Registration No. 3350041, and your decision to file the application for the Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 3

Produce all documents related to the development, design, fabrication, manufacture, sale, marketing, promotion, distribution, or importation into any country (including but not limited to the United States) of any Product or other good or service identified by the Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 4

Produce all documents, if in existence, supporting Your continuous use of the Mark since Your First use in 2003-12-08 in connection with goods and services described as “Mechanical cigarette filters for removing nicotine”, and said use has been valid and continuous since that date has not been abandoned.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 5

Produce all documents that you intend to rely upon in any hearing, trial, conference, motion, briefing, submission or other factual showing during the course of the present dispute.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 6

Produce all documents pertaining to your business relations, communications, purchases, and transactions with Leonid Nahshin’s company, “P.Service” related to the produce of cigarette filters.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 7

Produce all documents pertaining to your business relations, communications, purchases, and transactions with company "Safety Aid Supplies Inc." related to the product of cigarette filters.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 8

Produce all documents related to your knowledge or otherwise lack of it in relation with use of the name "NIC-OUT" by Leonid Nahshin, company "P.Service", or company "Safety Aid Supplies Inc." in relation with the produce of cigarette filters preceding your filing of an application for the Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 9

Produce all documents sufficient to identify all officers, directors and owners of all predecessors, subsidiaries, parent companies, affiliated companies, and joint ventures of "produce Source International, LLC."

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 10

Produce all documents sufficient to identify the persons involved in design, sales, marketing, communications, business strategy, or business planning for the Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 11

Produce all documents relating to the dates of first use and first use in commerce in connection with each of your products and services, of NIC-OUT Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 12

Produce all documents relating to the studies, chemical of other laboratory tests, ratings, and/or surveys in connection with your products and services for the Mark.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 13

Produce all documents relating to Your purchase, manufacture, and acquire of the Product specified in Trademark Registration No. 3350041 for which You used the Mark at the time of first use and first use in commerce.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Subject to these objections PSI attaches the following documents:

Request No. 14

Produce all documents requested to be identified in Interrogatory No. 9 in Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 15

Produce all documents requested to be identified in Interrogatory No. 10 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 16

Produce all documents requested to be identified in Interrogatory No. 11 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 17

Produce all documents requested to be identified in Interrogatory No. 17 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 18

Produce all documents requested to be identified in Interrogatory No. 19 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 19

Produce all documents requested to be identified in Interrogatory No. 20 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 20

Produce all documents requested to be identified in Interrogatory No. 22 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

Request No. 21

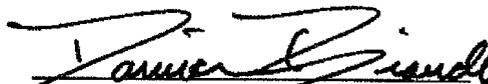
Produce all documents requested to be identified in Interrogatory No. 24 in Our, Plaintiff-Petitioner's First Set of Interrogatories addressed to You.

Response: PSI objects to the instant request for production of documents on the grounds that it is vague, overly broad and unduly burdensome and requests information that may be protected by the attorney-client privilege and/or the attorney work-product doctrine. Pursuant to TMBP § 405.03(e) PSI refuses to respond to the instant document request, furthermore, because it refers to "all documents requested to be identified" in a specific interrogatory among an impermissibly numerous set of interrogatories.

DATED: July 19, 2010

Respectfully submitted,

By:



Damian M. Biodnoo, Esq.

Attorney of Record for

Product Source International

U.S.P.T.O. REG. NO. 53,992

A.J. DiMarino, P.C.

57 Euclid Street, Ste. A

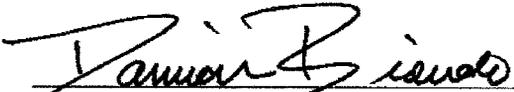
Woodbury, NJ 08096-4633

biondo@dimarinolaw.com

CERTIFICATE OF SERVICE

I, Damian M. Biondo, Esquire, counsel to Product Source International, LLC, hereby certify that the foregoing *DEFENDANT-RESPONDENT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS* was sent this 19th day of July, 2010, via facsimile and regular mail to the below-named counsel for Plaintiff-Petitioner Leonid Nahshin:

Vera Chernobylsky, Esq.
Law Offices of Vera Chernobylsky
4623 Dunman Avenue
Woodland Hills, CA 91364
UNITED STATES
FAX: 818-638-7844
vchernob@yahoo.com



Damian M. Biondo, Esq.

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

Leonid Nahshin,
Plaintiff-Petitioner

v.

Product Source International, LLC
Defendant-Respondent

Petition No.: 92/051,140
Registration No.: 3,350,041
Mark: NIC-OUT
Interlocutory Attorney:
Ann Linnechan, Esq.

PLAINTIFF-PETITIONER'S FIRST SET OF INTERROGATORIES

In accordance with the provisions of TMBP §405 and Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Plaintiff-Petitioner Leonid Nahshin, ("Nahshin") hereby serves the following interrogatories upon Defendant-Respondent Product Source International, LLC ("PSI") to be answered under oath within 30 days of service, subject to the following definitions and instructions.

INSTRUCTIONS

1. These instructions and definitions should be construed to require answers based upon the actual or constructive knowledge of, and information available to, complaint counsel as well as your attorneys, representatives, investigators, and others acting on your behalf.
2. If, after exercising due diligence, you cannot answer the following Interrogatories, so state and answer to the extent possible, specifying your inability to answer to the remainder. State whatever knowledge or information you have regarding the unanswered portion, and identify and describe in detail what you did in attempting to secure the

unknown information. Estimated dates should be given when, but only when, exact dates cannot be supplied. Any estimates should be identified as such. The sources and means of derivation of each estimation should be specifically set forth.

3. If you object to a portion or an aspect of any Interrogatory, state the grounds of your objection with specificity and answer the remainder of the Interrogatory.
4. If, in answering these interrogatories, you encounter any ambiguities when construing a question, instruction, or definition, your answer shall set forth the matter deemed ambiguous and the construction used in answering.
5. Where a claim of privilege is asserted in responding or objecting to any discovery requested in these interrogatories and information is not provided on the basis of such assertion, you shall, in your response or objection, identify the nature of the privilege (including work product) which is being claimed. When any privilege is claimed, you shall indicate, as to the information requested, whether (a) any documents exist, or (b) any oral communications took place.
6. If you elect to specify and produce business records in answer to any interrogatory, the specification shall be in sufficient detail to permit Respondents to locate and identify the business records from which the answer may be ascertained.
7. For every interrogatory that requests you to state the basis of an allegation, contention, assertion, or claim, answer as follows:
 - (a) Describe, in specific detail of the factual basis for the allegation, contention, assertion, or claim;
 - (b) Identify every person who has knowledge of facts relating to the allegation, contention, assertion or claim, by providing the person's full name, present or last

known address and telephone number, and the present or last known place of employment (Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person);

(c) Identify every communication relating to the allegation, contention, assertion or claim;

(d) Identify every document relating to the allegation, contention, assertion or claim by providing a specific and individual identification of each document or thing, including the type of document or thing and a brief description consisting at least of (i) the type of document or thing; (ii) its general subject matter; (iii) its date; (iv) its author(s), addressee(s) and recipient(s); (v) the present location of each document or thing and each copy thereof; (vi) the name, job title, employer, and address of the custodian of the document or thing; and (vii) if a copy of the document or thing has been previously produced to any party, so state and specifically and individually describe the previously supplied copy by production numbers or otherwise.

DEFINITIONS

A. As used herein, the terms “Defendant,” “Respondent” “Defendant-Respondent,” “You,” “Your,” and “Yours” shall mean Product Source International, LLC, and include all other individuals, corporations or other business entities (whether or not separate legal entities) subsidiary to, or parent to, or affiliated with Product Source International, LLC, without limitation, and all principals, officers, directors, trustees, employees, staff

members, agents and representatives, including counsel for Product Source International, LLC.

B. As used herein, the term "Documents" or "all documents" includes, but is not limited to, all electronically stored information, as that term is used in Fed. R. Civ. Pro. 34, all written, recorded, graphic, or printed matter, in whatever form, whether printed and/or produced by hand or any other process, specifically including (1) all originals, copies, or drafts, and (2) originals, copies, or drafts on which appear any notes or writings placed thereon after the document was first printed, typed, recorded, or made into graphic matter, however, produced or reproduced, in the actual or constructive possession of Defendant, including without limitation, any letters, telegrams, memoranda, writings, circulars, monographs, bulletins, manuals, speeches, audio and video tapes, drawings, blueprints, recordings, computer discs or tapes, computer electronic or optical memory devices in readable form, computer electronic messages, e-mails messages, notes, correspondence, communications of any nature, summaries of records of conversations or conferences, information which can be retrieved by any process, test and/or analysis, reports and data sheets, specifications, sketches, minutes or reports and/or summaries or interviews, reports and/or summaries of investigations, prior art searches and results thereof, including discussions or analysis thereof, opinions or reports of consultants or consulting engineers, agreements and contracts, brochures, pamphlets, advertisements, letters to the trade, and including any tangible things within the scope of Rule 34(a)(1) of the Federal Rules of Civil Procedure. Any document bearing on any sheet or side thereof and marks, including by way of illustration only and not by way of character and not part

of the original test or any reproduction thereof, is to be considered a separate document for purposes of responding to a specific document request.

C. If Defendant-Respondent - Product Source International, LLC is asked to identify document, it is requested that in respect to any Document requested, the following information is requested:

1. The general type of the document, e.g., letter, memorandum, report, miscellaneous notes, etc.;
2. The date of the Document;
3. The originator of the Document, to whom it is addressed and all persons who were given copies or permitted to read or review the Document;
4. Author of the Document;
5. Organization, if any, with which the author is connected;
6. Addressee or Recipient;
7. Other Distributes;
8. Organization, if any, with which addressee or recipient, or distributes were connected;
9. Present location of such document an each copy thereof known to Defendant, including the title, index number and location, if any, of the file in which the document is kept by the Defendant or the file form which such document was removed, if removed for the purposes of the instant dispute, and the identity of all persons responsible for the filing or other disposition of the document,
10. A general description of the type of Document and the subject matter to which it pertains.

D. Whenever in the forgoing interrogatories Defendant is asked to identify Personnel, it is requested that the Personnel be identified by stating:

1. The person's full name;
2. The person's title;
3. The person's departmental classification (e.g. accounting and finance, informing technology, sales, legal, advertising, etc.);
4. A brief statement describing the person's basic job functions and responsibilities;
5. The person's dates of employment with Defendant; and
6. The office location where the person performs the majority of his or her duties.

E. Whether in the foregoing interrogatories Defendant is asked to identify a business transaction, it is requested that the transaction be identified by stating:

1. The business transaction's basic subject matter;
2. Other parties involved in the business transaction;
3. The approximate date(s) during which the business transaction was negotiated and executed; and
4. If the business transaction involved a Domain Name, Domain Name at issue.

F. The term "Personnel" as used herein in connection with Defendant shall mean any and all officers, directors, executive-level managers, and any and all employees whether hourly or salary and whether part-time or full-time and whether permanent or temporary, along with any consultants, constructors, or vendors over whose working conditions Defendant exerts any degree of control.

G. The term "Plaintiff," "Petitioner," "Plaintiff-Petitioner," "We," "Us," "Our," and "Ours" shall mean Leonid Nahshin.

H. The term Mark shall mean the trademark NIC-OUT.

J. The term "041 Registration" refers to U.S. Trademark Registration No.: 3,350,041, issued December 4, 2007, for NIC-OUT that Defendant-Respondent filed in International Classification 034 for "Mechanical cigarette filters for removing nicotine" on March 21, 2006.

K. The term "Product" refers to the description of goods contained in the '041 Registration, namely mechanical cigarette filters for removing nicotine, along with all related goods.

L. Documents "relating to" or which "relate to" any given matter mean documents which constitute, contain, discuss, embody, comment upon, identify, refer to, concern or otherwise pertain to that matter.

M. Wherever in the following interrogatories Defendants are asked to identify a product and/or service, it is requested that the product and/or service be identified by stating the catalog, stock, model or the like number or designation, the trademark, name, type, grade, and any other designation customarily used by the party concerned to designate such product, and to distinguish it from others made by the same or a different producer.

N. If Defendant-Respondent - Product Source International, LLC claims privilege in respect to any Document requested, Defendant shall list such documents and supply information as requested in Paragraph II, above, concerning such documents and :

1. additionally shall indicate that they claim privilege therefore;
2. the basis of the privilege;

3. the date of the document;
 4. The originator of the Document, to whom it is addressed and all persons who were given copies or permitted to read or review the Document; and
 5. briefly state the nature of the document;
 6. the sender;
 7. the author;
 8. recipient of each copy;
 9. the name of each person to whom the original or any copy was circulated;
 10. the names appearing on any circulation list of Defendant associated with such document;
 11. a summary statement of the subject matter(s) of such document in sufficient detail to permit the tribunal to reach a determination of any claim of privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each such document;
 12. A general description of the type of Document and the subject matter to which it pertains;
- A. Each of the separate interrogatories herein is deemed to seek answers and responses as of the date they are answered. However, these interrogatories shall be deemed to be continuing and any additional information relating in any way to these interrogatories and to events occurring or documents existing prior to the filing the Complaint herein which Defendants acquire or which becomes known to Defendants up to and including the close of discovery shall be furnished to counsel for Plaintiff within a reasonable time after such information is acquired or becomes known. Defendant's response to these interrogatories is to be promptly supplemented to include subsequently acquired information in accordance with the requirements of Fed. R. Civ. Pro. 26(e).

Interrogatory No. 1

Identify each officer of your company, including each officer's name, title, address, and job duties.

Interrogatory No. 2

Identify each predecessor, parent, or subsidiary of Product Source International, LLC.

Interrogatory No. 3

Describe in detail the circumstances through which you first became aware of the company "Safety Aid Supplies Inc.", Leonid Nahshin's company "P.Service" and their use of the NIC-OUT mark in connection with the product of cigarette filter.

Interrogatory No. 4

Explain how it is that You came up with the words "Nic" and "Out," both singly and in combination, as used in the Mark, and identify all documents, individuals, and physical evidence used in the creation, development, and eventual selection of the Mark, whether those documents, individuals, or physical evidence was used exclusively for internal purposes within Your business enterprise or was shown to third parties independent of Your business enterprise.

Interrogatory No. 5

Identify each person who participated in selection of NIC-OUT mark and in a decision to file any application for registration of NIC-OUT mark.

Interrogatory No. 6

Identify every product and service in connection with which you have used or are using NIC-OUT mark.

Interrogatory No. 7

For each product and service requested to be identified in Interrogatory No. 6, identify the persons most knowledgeable about each product or service, the price at which each of those products and services is offered, state the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark to identify the product or service, identify the persons with most knowledge about the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark, explain the extent to which there has been any interruption to continuous use of NIC-OUT mark to identify the product or service, describe the channels of trade of the product or service, identify the persons most knowledgeable about the sales and distribution of the product or service, list by calendar year the expenditures you have made on advertising and promotion of the product or service, describe the target markets and characteristics of targeted consumers, identify your major competitors and their competing products or services, identify the geographic area in which the product or service is offered.

Interrogatory No. 8

For each product and service requested to be identified in Interrogatory No. 6, identify all advertising, promotion, or other marketing of product that involved or involves use of the mark,

by date, media type (e.g., Radio, television, Internet, print, etc.), owner of media used, any third parties involved with the advertising, promotion, or other marketing, all expenditures made in connection with the advertising, promotion, or other marketing, any measured changes in sales volume as a result of the advertising, and the amount of said measured change in sales volume, identify the persons most knowledgeable about the advertising and promotion of the product or service, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

Interrogatory No. 9

Describe any studies, tests, ratings, or surveys related to the quality of the products and services offered under NIC-OUT Mark and related to consumer recognition of the NIC-OUT Mark.

Interrogatory No. 10

Identify any communications received by you that were addressed to or intended for Leonid Nahshin, "P. Service", or "Safety Aid Supplies, Inc." as owner of NIC-OUT Mark.

Interrogatory No. 11

Identify any pre-filing clearance, investigation, trademark search, and/or other inquiry conducted by you, and/or on your behalf, in connection with assessing the availability, registrability, or use of the trademark name NIC-OUT pertaining to selection and filing for the Mark with the Product of Trademark Registration No. 3350041, and your decision to file the application for the Mark.

Interrogatory No. 12

Identify every opinion, legal or otherwise, requested or received by you, regarding the right to use of the mark NIC-OUT including the identity of the persons requesting the opinion, the date and substance of the opinion, and the persons receiving the opinion.

Interrogatory No. 13

Identify and describe any agreements in which you have licensed NIC-OUT mark for use by any other party.

Interrogatory No. 14

Identify any steps you have taken to exercise quality control in connection with the Mark, describe in detail all efforts you have made to enforce against third parties, other than Leonid Nahshin, the rights you claim in NIC-OUT mark.

Interrogatory No. 15

Describe in detail any instances in which a third party, other than Leonid Nahshin, has challenged your right to use, or the rights you claim in, NIC-OUT mark.

Interrogatory No. 16

Identify all documents supporting Your statements that You, since at least as early as 2003-12-08 has been and is now using the mark NIC-OUT in connection with the goods and services

described in as “Mechanical cigarette filters for removing nicotine”, and said use has been valid and continuous since date of first use and has not been abandoned.”

Interrogatory No. 17

For each document requested to be identified in Interrogatory No. 16, identify every product and service in connection with which You have used or are using NIC-OUT mark, identify the source, organization(s), type of organization(s) stamp(s) used on each document for every product and service in connection with which you have used or are using NIC-OUT mark, identify the persons most knowledgeable about each document, identify the price at which each of those products and services is offered, identify the price at which each of those products and services is offered, identify the persons with most knowledge about the price at which each of those products and services, state the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark to identify the document, explain the extent to which there has been any interruption to continuous use of NIC-OUT mark to identify the document, describe the channels of trade of the product or service, identify the persons most knowledgeable about the sales and distribution of the product or service, identify the persons most knowledgeable about the advertising and promotion of the product or service, list by calendar year the expenditures you have made on advertising and promotion of the product or service, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements, describe the target markets and characteristics of targeted consumers, identify your major competitors and their competing products or services, identify the geographic area in which the product or service is offered.

Interrogatory No. 18

Identify each product and services supporting Your statements that You, since at least as early as 2003-12-08 has been and is now using the mark NIC-OUT in connection with the goods and services described in as “Mechanical cigarette filters for removing nicotine”, and said use has been valid and continuous since date of first use and has not been abandoned.”

Interrogatory No. 19

For each product and service requested to be identified in Interrogatory No. 18, identify every product and service in connection with which You have used or are using NIC-OUT mark, identify every manufacturer and/or company you obtained the Product from, identify the persons most knowledgeable about each product or service, the price at which each of those products and services is offered, state the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark to identify the product or service, identify the persons with most knowledge about the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark, explain the extent to which there has been any interruption to continuous use of NIC-OUT mark to identify the product or service, describe the channels of trade of the product or service, identify the persons most knowledgeable about the sales and distribution of the product or service, list by calendar year the expenditures you have made on advertising and promotion of the product or service, describe the target markets and characteristics of targeted consumers, identify your major competitors and their competing products or services, identify the geographic area in which the product or service is offered.

Interrogatory No. 20

For each product and service requested to be identified in Interrogatory No. 18, identify all advertising, promotion, or other marketing of product that involved or involves use of the mark, by date, media type (e.g., Radio, television, Internet, print, etc.), owner of media used, any third parties involved with the advertising, promotion, or other marketing, all expenditures made in connection with the advertising, promotion, or other marketing, any measured changes in sales volume as a result of the advertising, and the amount of said measured change in sales volume, identify the persons most knowledgeable about the advertising and promotion of the product or service, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

Interrogatory No. 21

Identify all documents supporting Your statements that You, since at least as early as 2004-01-07 has been and is now using the mark NIC-OUT in commerce in connection with the goods and services described in as “Mechanical cigarette filters for removing nicotine”, and said use has been valid and continuous since date of first use and has not been abandoned.”

Interrogatory No. 22

For each document requested to be identified in Interrogatory No. 21, identify every product and service in connection with which You have used or are using NIC-OUT mark, identify every manufacturer and/or company you receive the Product from, identify the source, organization(s), type of organization(s) stamp(s) used on each document for every product and service in connection with which you have used or are using NIC-OUT mark, identify the persons most knowledgeable about each document, identify the price at which each of those products and services is offered, identify the price at which each of those products and services is offered, identify the persons with most knowledge about the price at which each of those products and services, state the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark to identify the document, explain the extent to which there has been any interruption to continuous use of NIC-OUT mark to identify the document, describe the channels of trade of the product or service, identify the persons most knowledgeable about the sales and distribution of the product or service, identify the persons most knowledgeable about the advertising and promotion of the product or service, list by calendar year the expenditures you have made on advertising and promotion of the product or service, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements, describe the target markets and characteristics of targeted consumers, identify your major competitors and their competing products or services, identify the geographic area in which the product or service is offered.

Interrogatory No. 23

Identify each product and services supporting Your statements that You, since at least as early as 2004-01-07 has been and is now using the mark NIC-OUT in connection with the goods and services described in as “Mechanical cigarette filters for removing nicotine”, and said use has been valid and continuous since date of first use and has not been abandoned.”

Interrogatory No. 24

For each product and service requested to be identified in Interrogatory No. 23, identify every product and service in connection with which You have used or are using NIC-OUT mark, identify every manufacturer and/or company you obtained the Product from, identify the persons most knowledgeable about each product or service, the price at which each of those products and services is offered, state the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark to identify the product or service, identify the persons with most knowledge about the facts that support the exact date, upon which you intend to rely, of first use of NIC-OUT mark, explain the extent to which there has been any interruption to continuous use of NIC-OUT mark to identify the product or service, describe the channels of trade of the product or service, identify the persons most knowledgeable about the sales and distribution of the product or service, list by calendar year the expenditures you have made on advertising and promotion of the product or service, describe the target markets and characteristics of targeted consumers, identify your major competitors and their competing products or services, identify the geographic area in which the product or service is offered.

Interrogatory No. 25

Identify all documents that may relate to these auctions, and attach copies of each such document.

Interrogatory No. 26

If any paragraphs, videotapes, audio tapes or other forms of electronic recording, sketches, reproductions, charts or maps were made with respect to anything that is relevant to the subject matter all that complain, describe: (a) the number of each; (b) what each shows or contains; (c) the date taken or made; (d) the names and addresses of the persons who made them; (e) in whose possession they are at present; and (f) if in your possession, attach a copy, or if not subject to convenient copying, state location where inspection and copying may take place.

Interrogatory No. 27

If you have obtained a statement from any person not a party to this auction, state: (a) the name and present address of the person who gave the statement; (b) whether the statement was oral or in writing and if in writing, attach a copy; (c) the date the statement was obtained; (d) if such statement was oral, whether a recording was made, and if so, the nature of the recording and the name and present address of the person who has custody of it; (e) if the statement was written, whether it was signed by the person making it; (f) the name and address of the person who obtained the statement; and (g) if the statement was oral, a detailed summary of its contents.

Interrogatory No. 28

State the names and addresses of any and all proposed expert witnesses. Set forth in detail the qualifications of each expert named and attach a copy of each expert's current resume. Also attach true copies of all written reports provided to you by any such proposed expert witnesses. With respect to all experts witnesses, including treating physicians, who are expected to testify at trial and with respect to any person who has conducted an examination pursuant to Rule 4:19, who may testify, state each such witness's name, address and area of expertise and attach a true copy of all written reports provided to you. State the subject matter on which your experts are

expected to testify. State the substance of the facts and opinions to which you experts are expected to testify and a summary of the grounds for each opinion.

Interrogatory No. 29

State whether you have ever been convicted of a crime. YES (_____) or NO (_____). If the answer is "yes", state: (a) date; (b) place; and (c) nature.

Interrogatory No. 30

Identify all documents, if in existence, supporting Your continuous use of the Mark since Your First use in 2003-12-08 in connection with the goods and services described as "Mechanical cigarette filters for removing nicotine", and said use has been valid and continuous since that date has not been abandoned."

Interrogatory No. 31

Identify all products and services, if in existence, supporting Your continuous or any use of the Mark before 2003-12-08 in connection with the goods and services described as "Mechanical cigarette filters for removing nicotine", and said use has been valid and continuous since that date has not been abandoned."

Interrogatory No. 32

For each document requested to be identified in Interrogatory No. 30, identify the persons most knowledgeable about each document.

Interrogatory No. 33

For each product and service requested to be identified in Interrogatory No. 31, identify the persons most knowledgeable about each product or service.

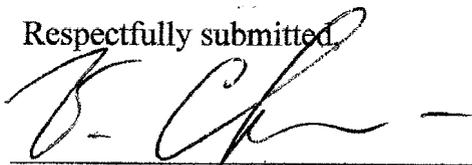
Interrogatory No. 34

For each document requested to be identified in Interrogatory No. 30, identify the source, organization(s), type of organization(s) stamp(s) used on each document for every product and service in connection with which you have used or are using NIC-OUT mark.

ATED: June 17, 2010

By:

Respectfully submitted,



Vera Chernobylsky, Esq.

Attorney of Record for Leonid Nahshin

LAW OFFICES OF VERA CHERNOBYLSKY

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

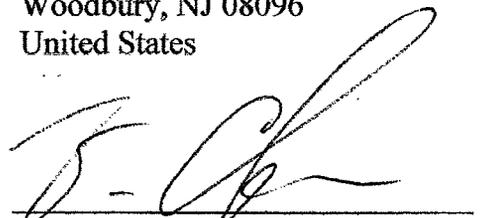
In the matter of U.S. Registration 3,350,041,
For the mark NIC OUT,
Registered on the Principal Register on December 4, 2007.

Leonid Nahshin,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Petition No. 92051140
	:	
Product Source International, LLC,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HERBEY CERTIFY that a true and accurate copy of the foregoing Plaintiff-Applicant's First Set of Interrogatories was submitted, this 17 day of June, 2010, to the following via fax and first-class U.S. Mail, postage pre-paid:

Anthony J. DiMarino
A.J. DiMarino P.C.
Fax: 856.853.0055
57 Euclid Street, Suite A
Woodbury, NJ 08096
United States



Vera Chernobylsky, Esq.

EXHIBIT "C"
(to NOTICE OF RELIANCE)

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

Leonid Nahshin,
Plaintiff-Petitioner

vs.

Product Source International, LLC
Defendant-Respondent

Opposition No.: 92/051,140

Registration No.: 3,350,041

Mark: NIC-OUT

Interlocutory Attorney:

Ann Linnehan, Esq.

**DEFENDANT-RESPONDENT, PRODUCT SOURCE INTERNATIONAL'S,
ANSWERS TO PLAINTIFF-PETITIONER, LEONID NAHSHIN'S
AMENDED FIRST SET OF INTERROGATORIES**

Respondent, Product Source International, LLC ("PSI" or "Respondent"), hereby objects to and responds to the Amended First Set of Interrogatories served by Plaintiff-Petitioner, Leonid Nahshin ("Nahshin" or "Petitioner").

PRELIMINARY STATEMENT

PSI makes the responses set forth herein subject to and without waiver of: (1) all questions as to the admissibility into evidence of the responses; (2) the right to object to further discovery directed to the subject matter of Nahshin's requests; (3) the right to make additional objections or to seek protective orders in the event additional review of files and pretrial preparation result in further information with respect to any of Nahshin's requests; and (4) the right to at any time revise, correct, add to or clarify any of the responses and/or objections contained herein.

In its Scheduling Order mailed on June 23, 2009, the Trademark Trial and Appeal Board indicated that the Board's Standard Protective Order is applicable to this case. Respondent hereby invokes the protection of that Protective Order and has designated certain information as Confidential, Highly Confidential and/or Trade Secret/Commercially Sensitive. A copy of the Board's Standard Protective Order is enclosed with these Answers to Interrogatories.

GENERAL OBJECTIONS

1. Respondent objects to the interrogatories to the extent that they seek, or may be construed to seek, any response that is immune from discovery by reason of the attorney-client privilege, the attorney work product doctrine, the trade secret privilege, or which is otherwise privileged or protected from disclosure.

2. Respondent objects to Petitioner's "Definitions" and "Instructions" to the extent that Petitioner seeks to impose burdens and obligations on Respondent in excess of those contemplated by the Trademark Board Manual of Procedure. Respondent further objects to the definition of "Petitioner's Mark".

3. Respondent objects to each interrogatory to the extent that it is vague, ambiguous, unduly burdensome, overly broad and/or not reasonably calculated to lead to the discovery of admissible evidence.

4. Respondent objects to each interrogatory to the extent that it seeks or may be construed to seek, proprietary, trade secret, and/or confidential information or documentation.

5. Respondent objects to each interrogatory as overly broad, unduly burdensome, and oppressive to the extent that it requires Plaintiff to conduct extensive research and review to provide the answer.

6. Respondent objects to each of interrogatory that includes any of the terms "relate" to," "relating to," and "related to." The interrogatories including any of those terms are unduly burdensome because they require unreasonable search and analysis.

7. Respondent objects to each interrogatory to the extent that any such interrogatory incorrectly assumes that Respondent has knowledge of any third-party's actions.

8. Respondent objects to each interrogatory to the extent that any such interrogatory assumes an unproved or unspecified agency relationship between Respondent and any other entity.

9. Respondent objects generally to each interrogatory to the extent that the Response would require PSI to violate any confidentiality obligation PSI owes to any third party, including but not limited to obligations created by any non-disclosure agreement.

10. Respondent objects to each interrogatory that seeks discovery concerning agreements or communications between PSI and third parties not at issue in this litigation.

11. Any answer provided herein is to be construed as relating only to the information responsive to the interrogatory that is not otherwise subject to the general objections or any specific objection.

12. Respondent reserves the right seasonably to supplement these answers.

13. These general objections shall be deemed to be incorporated in full into each of the answers set forth below. To the extent that any of these general objections are cited in a specific objection herein, those citations are provided as particularly applicable to the specific interrogatory, and are not to be construed as a waiver of any other general objection applicable to information falling within the scope of that interrogatory or any other interrogatory.

ANSWERS TO INTERROGATORIES

Without waiver of, and subject to, the foregoing general objections, PSI provides the following answers to the interrogatories.

Interrogatory No. 1

State in detail the nature of the business, operations, and activities conducted by Registrant.

Response to Interrogatory No. 1

Product Source International, LLC ("PSI") objects to this interrogatory in that it is overly broad and vague. Subject to that object, PSI responds as follows. PSI is generally in the business of selling consumer products to the general public through direct market channels. This includes, but is not limited to, television, print, catalogues, inserts in periodicals, internet sales, print ads, kiosks in shopping malls, booth and kiosk sales at public events such as home shows, state fairs, trade shows and through retail sales.

Interrogatory No. 2

Identify all persons who have knowledge concerning Registrant's selection, adoption and/or use of Registrant's Mark for any products and services and provide a summary of each person's knowledge thereof.

Response to Interrogatory No. 2

PSI objects to this interrogatory in that it is overly broad and vague. Subject to that object, PSI responds as follows. Gene Higgins of PSI has knowledge of the adoption and selection of the NIC OUT trademark. For entities and persons having knowledge concerning PSI's use of the NIC OUT trademark, see the response to Interrogatory Number 12.

Interrogatory No. 3

Identify each person who has knowledge of how Registrant's is used and/or intended to be used.

Response to Interrogatory No. 3

Objection. PSI objects in that this interrogatory is vague, and incoherent. PSI further objects as this interrogatory calls for the identification of its current manufacturer, which is confidential and a trade secret. This interrogatory further calls for the identification of clients of PSI, which is also a trade secret and confidential information. Assuming that this seeks information concerning how Registrant's Nic Out trademark is used and/or intended to be called, PSI responds as follows.

See answers to Interrogatory Number 12.

Interrogatory No. 4

Describe in detail all goods and services formerly and currently being offered by Registrant in conjunction with Registrant's Mark.

Response to Interrogatory No. 4

The goods associated with the Registrant's Mark are the Nic Out cigarette filters. These are mechanical cigarette filters for removing nicotine.

Interrogatory No. 5

Identify the dates on which Registrant first began use of the mark as identified in Interrogatory No. 4.

Response to Interrogatory No. 5

In or about March, 2003.

Interrogatory No. 6

Identify the geographic areas in which Registrant's use of Registrant's Mark as identified in Interrogatory No. 4 and Interrogatory No. 5 occurred.

Response to Interrogatory No. 6

The Nic Out mark is used throughout substantially all of the United States and internationally. The international sales include, but are not limited to, the following countries: Canada, Mexico, Peru, Columbia, Venezuela, Costa Rica, Honduras, Panama, Ecuador, and Uruguay.

Interrogatory No. 7

Describe any periods since Registrant's alleged date of first use, as set forth in Interrogatory No. 5, during which Registrant did not make use of Registrant's Mark.

Response to Interrogatory No. 7

None.

Interrogatory No. 8

With respect to each good and/or service identified in your response to Interrogatory No. 4, state the annual sales in units and dollars from the date of first use of each good and/or service.

Response to Interrogatory No. 8

PSI objects to this Interrogatory on the grounds that it seeks information not relevant to this proceeding. Subject to this objection, PSI responds as follows.

THE INFORMATION PROVIDED IN THE RESPONSE TO THIS INTERROGATORY IS TO BE TREATED AS TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE STANDARD PROTECTIVE ORDER.

Interrogatory No. 9

With respect to each good and/or service identified in your response to Interrogatory No. 4 describe in detail the manner in which Registrant's Mark is promoted in the United States.

Response to Interrogatory No. 9

PSI objects to this request in that it is overly broad and unduly vague. Subject to these objections, PSI responds as follows.

PSI advertises and promotes the Nic Out brand in the United States through advertising, as forth in the response to Interrogatory number 1. By way of further explanation, PSI utilizes print, radio, television, internet and direct mailing ads in support of its Nic Out brand.

Interrogatory No. 10

Identify who has been responsible for the promotion of Registrant's Mark from the alleged date of first use to the present.

Response to Interrogatory No. 10

PSI objects to this interrogatory in that the phrase, "responsible for the promotion of Registrant's Mark" is vague. Subject to these objections, PSI responds as follows.

Gene Higgins, of PSI, has been responsible for promoting the Nic Out brand in the United States. He has been assisted by a variety of service and marketing companies which support PSI. See Answer to Interrogatory Number 12.

Interrogatory No. 11

For each medium identified in Interrogatory No. 9, state the annual expenditure for advertising and promotion since inception.

Response to Interrogatory No. 11

THE INFORMATION PROVIDED IN THE RESPONSE TO THIS INTERROGATORY IS TO BE TREATED AS TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE STANDARD PROTECTIVE ORDER.

Interrogatory No. 12

Identify the person or persons who, from the date of Registrant's claimed first use(s) of Registrant's mark to the present, have been responsible for the marketing and/or promotion of Registrant's goods and services under Registrant's mark indicating the period during which each person was so responsible.

Response to Interrogatory No. 12

THE INFORMATION PROVIDED IN THE RESPONSE TO THIS INTERROGATORY IS TO BE TREATED AS TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE STANDARD PROTECTIVE ORDER.

Interrogatory No. 13

Identify all advertising agencies, public relations agencies or market research agencies that Registrant has used, participated with or cooperated with in advertising, marketing or promoting the goods/services identified in response to Interrogatory No. 4.

Response to Interrogatory No. 13

THE INFORMATION PROVIDED IN THE RESPONSE TO THIS INTERROGATORY IS TO BE TREATED AS TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE STANDARD PROTECTIVE ORDER.

See answers to Interrogatory Numbers 10 and 12.

Interrogatory No. 14

Identify the time period(s) during which the activities identified in response to Interrogatory No. 1 were conducted.

Response to Interrogatory No. 14

THE INFORMATION PROVIDED IN THE RESPONSE TO THIS INTERROGATORY IS TO BE TREATED AS TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE STANDARD PROTECTIVE ORDER.

See Answer to Interrogatory number 12.

Interrogatory No. 15

Describe in detail any adversarial proceeding, challenge, or litigation involving Registrant's Mark, including the claims, defenses, and a description of any resolution thereof.

Response to Interrogatory No. 15

Other than the instant proceeding, there have been no other adversarial proceedings, challenges, or litigation involving the Nic Out Trademark. There has been an enforcement action with the U.S. Customs and Border Protection. PSI has also been in contact with ebay.com concerning Nic Out.

Interrogatory No. 16

Identify in detail how Registrant decided upon Registrant's Mark.

Response to Interrogatory No. 16

Gene Higgins, President of Product Source International, LLC, first became aware of a product using the trademark Nic Out in or about 1998. At that time, Mr. Higgins was employed by a Manhattan based distributor of "As Seen On TV" products. In the course of his responsibilities as a sales representative for this business, Mr. Higgins was responsible for marketing a product called Nic Out. This product, however, was not a cigarette filter. This was a device which punched holes in the cigarette filters in an effort to reduce the amount of smoke and nicotine inhaled by the cigarette smoker. This was not a commercially successful product.

Approximately five years later, in or around late February/March, 2003, Gene Higgins met Nicholas Maslov. Mr. Maslov was marketing a cigarette filter called Nic Out. Mr. Maslov and Mr. Higgins established a commercial relationship pursuant to which they would market and sell the Nic Out product.

Mr. Higgins and Mr. Maslov has since parted ways, Mr. Higgins has retained the trademark and has continued to use the trademark to this day.

Interrogatory No. 17

Describe in detail any prior relationship Registrant had with Petitioner prior to Registrant's first use of Registrant's Mark.

Response to Interrogatory No. 17

None.

Interrogatory No. 18

Describe in detail any agreement that existed between Petitioner and Registrant.

Response to Interrogatory No. 18

No agreement has ever existed between Petitioner and Registrant.

Interrogatory No. 19

Describe in detail the circumstance through which you first became aware of Petitioner, Petitioner's company P. Service, Safety Aid Supplies, Inc. and the use of Petitioner's Mark.

Response to Interrogatory No. 19

PSI objects to this interrogatory in that it improperly suggests a connection between Leonid Nahshin and Safety Aid Supplies, Inc. PSI further objects to the phrase, "the use of Petitioner's Mark" as vague and unclear. Subject to these objections, PSI responds as follows.

PSI first learned about Leonid Nahshin and a company called P. Service when in 2007 he was contacted by Alex Slobidker on behalf of Leonid Nahshin and P. Service.

PSI first became aware of Safety Aids Supplies, Inc. when Gene Higgins met Nicholas Maslov in February/March of 2003.

Interrogatory No. 20

Describe any studies, tests, ratings, or surveys related to the quality of the products and services offered under Registrant's Mark.

Response to Interrogatory No. 20

THE INFORMATION PROVIDED IN THE RESPONSE TO THIS INTERROGATORY IS TO BE TREATED AS TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE STANDARD PROTECTIVE ORDER.

Interrogatory No. 21

Identify any communications received by you that were addressed to or intended for Petitioner, P. Service, or Safety Aid Supplies, Inc.

Response to Interrogatory No. 21

PSI is unaware of any such communications.

Interrogatory No. 22

Identify and describe any agreements in which Registrant has licensed Registrant's Mark for use by any other party.

Response to Interrogatory No. 22

PSI has not licensed the use of the Nic Out Trademark to any other party.

Interrogatory No. 23

Identify all documents supporting Registrant's statements that Registrant, since at least as December 8, 2003, has been and is now using Registrant's Mark in connection with the goods and services described on U.S. Registration No. 3,350,041 as "Mechanical cigarette filters for removing nicotine," and that said use has been valid and continuous since the date of first use and has not been abandoned. If all is objected to on the grounds of overly broad and burdensome state so in your answers and provide representative samples in lieu of all documents.

Response to Interrogatory No. 23

PSI Objects to this Interrogatory in that it is overly broad and unduly burdensome and not calculated to lead to discovery of admissible evidence. Subject to that objection, PSI responds as follows.

PSI has prepared and has produced a representative sample of the documents.

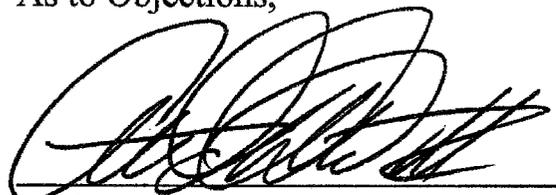
Interrogatory No. 24

Described in detail the names, addresses, and qualifications of any and all proposed expert witnesses.

Response to Interrogatory No. 24

PSI has not retained the services of an expert witness.

As to Objections,



Anthony J. DiMarino, Esq.

Attorney of Record

U.S.P.T.O. REG. NO. 37,312

A.J. DiMarino, P.C.

57 Euclid Street, Ste. A

Woodbury, NJ 08096-4633

ajd@dimarinolaw.com

Damian M. Biondo, Esq.

Of Counsel

U.S.P.T.O. REG. NO. 53,992

A.J. DiMarino P.C.

One Commerce Square, Ste. 1930

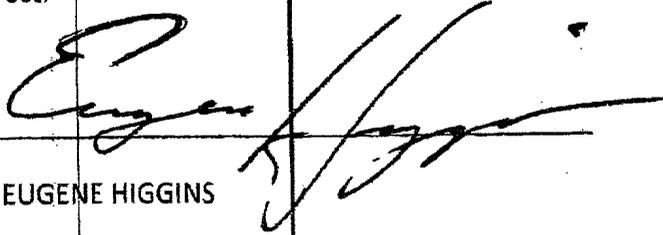
2005 Market Street

Philadelphia, PA 19103

biondo@dimarinolaw.com

Date: November 18, 2010

certify under penalty of perjury that the foregoing Answers to Petitioner's Amended First Interrogatories are true and correct.



EUGENE HIGGINS

PRODUCT SOURCE INTERNATIONAL, LLC

Date: 11-18-2010

EXHIBIT "E"
(to NOTICE OF RELIANCE)

Petitioner, in conjunction with his English-speaking wife, wanted to develop a brand name which would sound well across multiple languages and would suggest the purpose of the product. As a result, the developed the name NIC-OUT which combines the first three letters of the term nicotine with the term OUT, a common word used to suggest the elimination of a substance. The naming of the product occurred in early 2000.

The next phase of the project was to locate a manufacturer thereof. As such, a manufacturer was located in 2000 in Istanbul, Turkey. The name of the manufacturer is Burda Ticaret. By August of 2000 an agreement had been reached so that Burda Ticaret would manufacture the NIC-OUT product for Petitioner.

By October of 2000 the first shipment of the NIC-OUT product was received from the manufacturer in Israel and shortly thereafter a shipment was forwarded to Yael Menkin, a U.S. resident in the U.S. to begin the search for buyers and distributors of the product in the U.S.

In the beginning of 2002 Safety Aid Supplies Inc. located in New York, USA became the U.S. distributor of our NIC-OUT product. The owner of Safety Aid Supplies Inc. is Nicolas Maslov. Thereafter, in April of 2002 Safety Aid Supplies Inc. received their first large shipment of the NIC-OUT product for distribution and sale in the U.S.

INTERROGATORY NO. 2: Explain how it is that you came up the with words “Nic” and “Out” both singly and in combination, as used in the Mark, and identify all documents, individuals, and physical evidence used in the creation, development, and eventual selection of the Mark, whether those documents, individuals, or physical evidence was used exclusively for internal purposes within your business enterprise or was shown to third parties independent of your business enterprise.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Please see answer to Interrogatory No. 1.

INTERROGATORY NO. 3: Identify by ship date, Product quantity, total invoice price, recipient name, recipient address, mode of shipment, and receipt date, all shipments of product

bearing the Mark that came from or went to you or any individual or organization under your control or authority, whether to or from the United States or elsewhere, and identify all individuals, documents, and physical evidence that supports said shipments of Product.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, please see responsive documents produced in connection with Petitioner's Responses to Registrant's Requests for Production of Documents.

INTERROGATORY NO. 4: Identify all advertising, promotion, or other marketing of Product that involved or involves use of the Mark, by date, media type (e.g. radio, television, Internet, print, etc.); owner of media used; any third parties involved with the advertising, promotion, or other marketing; all expenditures made in connection with the advertising, promotion, or other marketing; any measured changes in sales volume as a result of the advertising; and the amount of said measured change in sales volume.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner uses the web site nic-out.com as well as in-store displays which house the product which are distributed by and through Petitioner's U.S. distributor(s). Examples of both the web site as well as the in-store displays housing the products (pictures on the web site) are attached in connection with Petitioner's Responses to Registrant's Requests for Production of Documents.

INTERROGATORY NO. 5: Identify all documents, individuals, and other physical evidence demonstrating that you have developed an alleged "valuable reputation and goodwill" in the Mark and have "achieved a following amount the relevant consuming public" at any time, but especially although not limited to the "filing, registrations, and/or priority date" of U.S.

In addition, please see responsive documents produced in connection with Petitioner's Responses to Registrant's Requests for Production of Documents.

INTERROGATORY NO. 7: Identify all documents, individuals, or other physical evidence demonstrating that consumers are confused or "will inevitably be confused and deceived into the mistaken belief that the Registrant's goods have their origin or are in some manner connected with the Petitioner and/or Petitioner's goods offered in connection with the Mark," in accordance with paragraph No. 11 of the *AMENDED PETITION TO CANCEL* filed February 11, 2010.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, Petitioner retains no documents demonstrating actual confusion in the marketplace.

INTERROGATORY NO. 8: Identify all documents, individuals, or other physical evidence demonstrating that you have been, are, or will be damaged, especially but not limited to demonstrating that you have been, are, or will be "seriously damaged" by our continued registration of the Mark, in accordance with paragraph No. 13 of the *AMENDED PETITION TO CANCEL* filed February 11, 2010.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, Petitioner has been damaged to the extent that by and through the Registrant's registered mark Petitioner's products are being precluded from entry into the U.S. Please see responsive documents produced in connection with Petitioner's Responses to Registrant's Requests for Production of Documents.

In addition, please see responsive documents produced in connection with Petitioner's Responses to Registrant's Requests for Production of Documents.

INTERROGATORY NO. 7: Identify all documents, individuals, or other physical evidence demonstrating that consumers are confused or "will inevitably be confused and deceived into the mistaken belief that the Registrant's goods have their origin or are in some manner connected with the Petitioner and/or Petitioner's goods offered in connection with the Mark," in accordance with paragraph No. 11 of the *AMENDED PETITION TO CANCEL* filed February 11, 2010.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, Petitioner retains no documents demonstrating actual confusion in the marketplace.

INTERROGATORY NO. 8: Identify all documents, individuals, or other physical evidence demonstrating that you have been, are, or will be damaged, especially but not limited to demonstrating that you have been, are, or will be "seriously damaged" by our continued registration of the Mark, in accordance with paragraph No. 13 of the *AMENDED PETITION TO CANCEL* filed February 11, 2010.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, Petitioner has been damaged to the extent that by and through the Registrant's registered mark Petitioner's products are being precluded from entry into the U.S. Please see responsive documents produced in connection with Petitioner's Responses to Registrant's Requests for Production of Documents.

INTERROGATORY NO. 9: Identify all documents that may relate to this action, and

attach copies of each document.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome, vague as to the terms “may relate”, and accordingly is not reasonably calculated to lead to the discovery of admissible evidence at trial. Moreover the interrogatory requests information that may be protected by the attorney-client privilege and/or work product doctrines.

INTERROGATORY NO. 10: State the names and address of all parties having any

knowledge regarding the facts pertaining to this dispute.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, Petitioner responds as follows:

Leonid Nashin
Petitioner

Alex Slobidker
Nic-Out

Mr. Nicolas Maslov
Safety Aid Supplies Inc.
New York, USA

Eugene Huggins
Product Source International, LLC

INTERROGATORY NO. 11: If any photographs, videotapes, audio tapes or other forms

of electronic recording, sketches, reproductions, charts or maps were made with respect to

anything that is relevant to the subject matter of the complaint, describe: (a) the number of each;

(b) what each shows or contains; (c) the date taken or made; (d) the names and addresses of the

persons who made them; (e) in whose possession they are at present; and (f) if in your possession,

attach a copy, or if not subject to convenient copying, state the location where inspection and copying may take place.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, aside from those documents produced in response to the requests for production of documents, none.

INTERROGATORY NO. 12: If you claim that they defendant made any admissions as to the subject matter of this lawsuit, state: (a) the date made; (b) the name of the person by whom made; (c) the name and address of the person to whom made; (d) where made; (e) the name and address of each person at present at the time the admission was made; (f) the contents of the admission; and (g) if in writing, attach a copy.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, please see copies of electronic mail correspondence to and from the Registrant which may be deemed admissions against the interests of the Registrant.

INTERROGATORY NO. 13: If you or your representative and the defendant have had any oral communication concerning the subject matter of this lawsuit, state: (a) the date of the communication; (b) the name and address of each participant; (c) the name and address of each person present at the time of such communication; (d) where such communication took place; and (e) a summary of what was said by each party participating in the communication.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, none.

INTERROGATORY NO. 14: If you have obtained a statement from any person not a party to this action, state: (a) the name and present address of the person who gave the statement; (b) whether the statement was oral or in writing and if in writing, attach a copy; (c) the date the statement was obtained; (d) if such statement was oral, whether a recording was made, and if so, the nature of the recording and the name and present address of the person who has custody of it; (e) if the statement was written, whether it was signed by the person making it; (f) the name and address of the person who obtained the statement; and (g) if the statement was oral, a detailed summary of its contents.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, none.

INTERROGATORY NO. 15: State the names and addresses of any and all proposed expert witnesses. Set forth in detail the qualifications of each expert named and attach a copy of each expert's current resume. Also attach true copies of all written reports provided to you by any such proposed expert witnesses. With respect to all expert witnesses, including treating physicians, who are expected to testify at trial and with respect to any person who has conducted an examination pursuant to Rule 4:19, who may testify, state each such witness's name, address and area of expertise and attach a true copy of all written reports provided to you. State the subject matter on which your experts are expected to testify. State the substance of the facts and opinions to which your experts are expected to testify and a summary of the grounds for each opinion.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections, Petitioner has yet to determine whether it will name any experts in this matter. If they are so named they will be identified as permitted under the applicable rules.

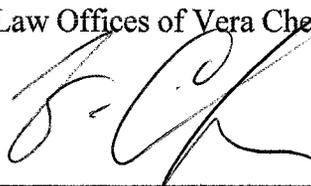
INTERROGATORY NO. 16:

State whether you have ever been convicted of a crime.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence at trial in a TTAB matter. Subject to said objection, no.

Respectfully submitted this 23 day of June, 2010.

Law Offices of Vera Chernobylsky



Vera Chernobylsky, Esq.
4623 Dunman Avenue
Woodland Hills, CA 91364
Attorney for the Petitioner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,350,041,
For the mark NIC OUT,
Registered on the Principal Register on December 4, 2007.

Leonid Nahshin,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Petition No. 92051140
	:	
Product Source International, LLC,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HERBEY CERTIFY that a true and accurate copy of the foregoing pleading was submitted, this 23 day of June, 2010, to the following via first-class U.S. Mail, postage pre-paid:

Jay DiMarino
A.J. DiMarino PC
57 Euclid Street, Suite A
Woodbury, NJ 08096



Vera Chernobylsky, Esq.

LEONID NAHSHIN

ISRAEL [Country]

BEFORE ME, the undersigned authority, this 23 day of June 2010, personally appeared Mr. Leonid Nahshin, who after being first duly sworn, states that he is the person who assisted and provided the answers to Petitioner's Answers to Registrant's First Set Of Interrogatories and that the answers provided therein are true and correct, and who is personally known to me or who has produced ID 304601651 as identification and who did take an oath.

Leonid Nahshin 

23/06/2010
Date

Notary Public: _____ (signature)


Notary Public: Thipris Viktor (Typed/Printed name of Notary Public)

Commission No. 18463

My Commission Expires: UNLIMITED

DOCUMENT REQUEST NO. 2: Produce all documents pertaining to the selection and pre-filing clearance of the Mark in connection with the U.S. Trademark Application Serial No. 78/206,651 that you filed on January 23, 2003.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner attaches the following as follows:

000054-000055, 000058.

DOCUMENT REQUEST NO. 3: Produce all documents related to the development design, fabrication, manufacture, sale, marketing, promotion, distribution, or importation into any country (including but not limited to the United States) of any Product or other good or service identified by the Mark.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner attaches the following as follows:

000001-000077.

DOCUMENT REQUEST NO. 4: Produce all documents pertaining to any actual or potential confusion or any actual or potential deception in the marketplace caused by our use and continued registration of the Mark.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner attaches the following as follows:

000059-000064.

DOCUMENT REQUEST NO. 5: Produce all documents pertaining to any perceived goodwill, consumer recognition, brand reputation, or other secondary meaning (in the trademark

sense of “secondary meaning”) connecting the Mark to you that you have alleged [sic] to have acquired in the Mark.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner attaches the following as follows:

000022-000029, 000065, 000067-000077.

DOCUMENT REQUEST NO. 6: Produce all documents pertaining to your alleged priority of use over our use of the Mark in commerce.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner attaches the following as follows:

000001-000029, 000032-000055, 000056-000077.

DOCUMENT REQUEST NO. 7: Produce all documents pertaining to your allegation that you will be damaged by our continued use and registration of the Mark.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner attaches the following as follows:

000059-000064.

DOCUMENT REQUEST NO. 8: Produce all documents that you intend to rely upon in any hearing, trial, conference, motion, briefing, submission or other factual showing during the course of the present dispute.

RESPONSE: Petitioner objects to the instant request for production on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Petitioner further asserts the rule-based objection codified in TBMP § 414(7).

Respectfully submitted this 23 day of June, 2010.

Law Offices of Vera Chernobylsky

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

Vera Chernobylsky, Esq.
4623 Dunman Avenue
Woodland Hills, CA 91364
Attorney for the Petitioner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,350,041,
For the mark NIC OUT,
Registered on the Principal Register on December 4, 2007.

Leonid Nahshin,

Petitioner,

vs.

Petition No. 92051140

Product Source International, LLC,

Registrant.

CERTIFICATE OF SERVICE

I HERBEY CERTIFY that a true and accurate copy of the foregoing pleading was submitted, this 23 day of June, 2010, to the following via first-class U.S. Mail, postage pre-paid:

Jay DiMarino
A.J. DiMarino PC
57 Euclid Street, Suite A
Woodbury, NJ 08096



Vera Chernobylsky, Esq.



Alex Slobidker <slobidker@gmail.com>

Request for quote on Nic out

1 message

Eugene Higgins <psillc@comcast.net>

Fri, Aug 18, 2006 at 15:55

To: Leon Haxman <nic-out@nic-out.com>

ATTN: Mr Leon Haxman

Thank you for your fax. Please send a Vol. / Price quote for Nic Out quantities from 20 Master cartons (14,400 packs) to 500 master cartons (360,000 packs).

Best Regards

Eugene Higgins

President: Product Source International LLC

100000



Alex Slobidker <slobidker@gmail.com>

Purchase order - PSI-LLC

21 messages

Eugene Higgins <psillc@comcast.net>
To: info@nic-out.com

Thu, May 10, 2007 at 15:55

Product Source

International LLC

13 Coleman Rd. Berlin, NJ, 08009

Tel: (856) 753-8127 Fax: (856) 753-3713

HYPERLINK "mailto:Psillc@comcast.net"Psillc@comcast.net

TO: Mr. Nahshin
RE: Volume Quotation for Nic Out

I would like to purchase 21 master cases deliverable to Philadelphia, PA.
via air transport
at \$0.87 as quoted previously by you, a total of \$12,528.00 USD this is
for immediate shipment.

I would like to speak with Mr. Nahshin, please send contact number and
best time for call this week.

Best regards
Eugene Higgins

No virus found in this incoming message.
Checked by AVG Free Edition.

Version: 7.5.467 / Virus Database: 269.6.8/797 - Release Date: 10.05.2007
17:10

 winmail.dat
OK

Info Nic-Out <info@nic-out.com>
To: Eugene Higgins <psillc@comcast.net>
Bcc: sent@nic-out.com

Thu, May 10, 2007 at 16:16

Dear Sir,
Thanks a lot for you letter.
I would like to correct the total amount:
21MC *720 packs in each MC*0.87USD = 13154,40 USD

000002

6/12/2010

Gmail - Purchase order - PSI-LLC

You can contact me tomorrow at any time starting from 10:00 AM (Our GMT is +02:00)
+972-554-929405

Waiting for your call.

Yours faithfully,
Alex

From: Eugene Higgins [mailto:psilic@comcast.net]
Sent: Thursday, May 10, 2007 10:56 PM
To: info@nic-out.com
Subject: Purchase order - PSI-LLC
Importance: High

Product Source

International LLC

13 Coleman Rd. Berlin, NJ, 08009

Tel: (856) 753-8127 Fax: (856) 753-3713

HYPERLINK "mailto:Psilic@comcast.net"Psilic@comcast.net

TO: Mr. Nahshin
RE: Volume Quotation for Nic Out

I would like to purchase 21 master cases deliverable to Philadelphia, PA. via air transport at \$0.87 as quoted previously by you, a total of \$12,528.00 USD this is for immediate shipment.

I would like to speak with Mr. Nahshin, please send contact number and best time for call this week.

Best regards
Eugene Higgins

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.467 / Virus Database: 269.6.8/797 - Release Date: 10.05.2007 17:10

No virus found in this outgoing message.

[Quoted text hidden]

 winmail.dat
OK

Eugene Higgins <psilic@comcast.net>
To: Info Nic-Out <info@nic-out.com>

Thu, May 10, 2007 at 19:34

Thank you Alex
Sorry for the miscaculation

000003

057-8030 9003

057-8030 9003

ATAŞ TÜKETİM MALIYATI İTİHYAT PAZ.SAN.
VE TIC.LTD.ŞTİ. CUMHURİYET CAD.SEHİT ER
CENGİZ KARICIOĞLU NO:3 KAT:2 KAVACIK/İSTANBUL
TURKEY TEL:02164258955 P.SERVICE.ISRAEL IS THE
EXCLUSIVE PROPRIETOR OF NIC-OUT CIGARETTE FILTERS.

AIR FRANCE

PRODUCT SOURCE INTERNATIONAL LLC
3847-99 ST. 13 COLEMAN RD.
BERLIN ,NJ,08009 USA
TEL:+(1)856 753-8127
FAX:+(1)856 753-3713

JAS FORWARDERLIK LTD.ŞTİ.
İSTANBUL

FREIGHT PREPAID

07/05/310/00564

88-4-7154-0010

ATATURK AIRPORT

PHL AIR FRANCE

EUR PP X X

N.V.D.

N.V.C.

PHILADELPHIA INTERNATIONAL AF 7031-29/05/07

XXX

21 599.00 K Q 599.00 2.55 1,527.45

DIMS: 21/38x47x58

NIC-OUT PLASTIC CIGARETTE
HOLDER WITH FILTERING INSERT

21 599.00 1,527.45

1,527.45

FSC: EUR 329.45

AWA: EUR 40.00

MOC: EUR 40.00

SCC: EUR 89.85

40.00

459.30

000017

JAS FORWARDERLIK LTD.ŞTİ.

2,026.75

21/05/2007

İSTANBUL

SAFAK AYDIN

057-8030 9003

057-8030 9003

ATAS TUKETIM HALLARI ITRİYAT PAZ.SAN.
VE TIC.LTD.STI. CUMHURİTEY CAD.SEHİT ER
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07/05/310/00564

88-4-7154-0010

AYATURK AIRPORT

PHL AIR FRANCE

EUR PP X X

N.V.D.

N.V.C.

PHILADELPHIA INTERNATIONAL AF 7031-29/05/07

XXX

21 599.00 K Q 599.00 2.55 1,527.45 DINS: 21/39x47x58

NIC-OUT PLASTIC CIGARETTE
HOLDER WITH FILTERING INSERT

21 599.00 1,527.45

1,527.45

FSG: EUR

329.45

AWA: EUR

40.00

MOC: EUR

40.00

SCC: EUR

89.85

40.00

459.30

000018

JAS FORVARDERLIK LTD.STI.

2,026.75

21/05/2007

İSTANBUL

SAFAK AYDIN

057-8031-7532

057-8031-7532

Not Negotiable

Air Waybill

Issued by

AIR FRANCE

ATAS TUKEYIM MALLARI ITRIYAT
PAZ. SAN. VE TIC. LTD STI
CUMHURİYET CAD.SEHIT ER CENGİZ
KARCIOĞLU SK.NO:4 KAVACIK

Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity

34810 BEYKOZ/ISTANBUL

Consignee's Account Number

P.SERVICE.Israel is the exclusive proprietor
of NIC-OUT cigarette filters.

It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted) for carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREOF BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.

PRODUCT SOURCE INTERNATIONAL LLC.
3847-99 ST. 13 COLEHAN RD.

Accounting Information

BERLIN, NY 08009
Branch Office Name and City
PHILADELPHIA / U.S.A.
TEL : 00 1 856753-8127
FAX : 00 1 856753-3713

Agent's IATA Code
JAS FORWARDERLIK LTD.STI.

Account No.

FREIGHT - PREPAID

Optional Shipping Information

ISTANBUL
Airport of Departure (Addr. of First Carrier) and Requested Routing

Reference Number

07/08/310/00925

To	By First Carrier	By Second Carrier	To	By	To	By
88-4	154-0010					

Currency	Units	Code	PPD	CCCL	PPD	CCCL	Declared Value for Carriage	Declared Value for Customs

ATATURK AIRPORT
Airport of Destination

Amount of Insurance

INSURANCE - If Carrier offers insurance, the shipper is requested to indicate with the appropriate code, and the amount to be insured in favor of (or marking) amount of insurance.

PHL AIR FRANCE
Handling Information

EUR PP X X N.V.D. N.V.C.

PHILADELPHIA INTERNATIONAL AF7031-14/08/07

XXX

SCI

No of Pieces RCP	Gross Weight	kg	Rate Class		Chargeable Weight	Rate / Charge	Total	Nature and Quantity of Goods (incl. Dimensions or Volume)
			Commodity Item No.					
25	713.00	K			713.00	2.55	1,818.15	DIMS: 25/38x47x58 NIC-OUT PLASTIC CIGARETTE HOLDER WITH FILTERING INSERT
NTFY-1 IMPORT BROKER/BILL RIDDLE AT: CARSON M SIMON CO INC. 221 CHAESTNUT ST.SUITE 300 PHILADELPHIA PA. 19106 TEL:215-925-6006 EXT.226 FAX: 215-925-3022								

Prepaid	Weight Charge	Collect	Other Charges
25	713.00 Valuation Charge		1,818.15
1,818.15	Tax		FSC: EUR 427.80 AWA: EUR 40.00 MOC: EUR 40.00 SCC: EUR 99.82
total Other Charges Due Agent			Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations 000019 Signature of Shipper or his Agent JAS FORWARDERLIK LTD.STI. Executed on (date) at (place) Signature of Issuing Carrier or its Agent ISTANBUL SAFAK AYDIN
Total Other Charges Due Carrier			
40.00			
567.62 Total Prepaid			
Total Collect			
Currency Conversion Rates		CC Charges in Dest. Currency	
2,425.77 For Carrier's Use only at Destination		Charges at Destination	
		Total collect Charges 06/08/2007	

DRAFT

406-2078-6592

406-2078-6592

Not Negotiable

Air Waybill

Issued by

UPS AIR CARGO

ATAS TUKETIM MALLARI ITRIYAT PAZARLAMA
 SAN.VE TIC.SATI.CUMHURİYET CAD.SEHIT ER
 CENGİZ KARCIOĞLU SK.NO:4 KAVACIK,BEYKOZ 34810
 ISTANBUL P.SERVICE.ISRAEL IS THE EXCLUSIVE

Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity

PROPRIETOR OF NIC-OUT CIGARETTE FILTERS Shipper's Account Number

It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted) for carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREOF BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.

PRODUCT SOURCE INTERNATIONAL LLC.
 3847-99 ST. 13 COLEMAN RD.BERLIN,
 NJ, 08009 USA
 TEL:+(1)856 753-8127

Accounting Information

FREIGHT PREPAID

PNX5111856 753-3113
 Billing Order & Agent Name and City

JAS FORWARDERLIK LTD.STI.
 ISTANBUL

07/11/310/01384

Agent's IATA Code

Account No.

88-4-7154-0010

Point of Departure (Addr. of First Carrier) and Requested Routing

Reference Number

Optional Shipping Information

ATATURK AIRPORT

to By First Carrier

Requested Destination

To

By

To

By

Currency

CHAS Code

PP

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DECL

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DECL

DECL

DECL

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DECL

DECL

Declared Value for Carriage

Declared Value for Customs

PHL

UPS-AIR-CARGO

PHILADELPHIA-INTERNATIONAL

Handling Information

UP122=26/11/07

Amount of Insurance

XXX

INSURANCE - If Carrier offers insurance a higher value may be requested in accordance with the conditions thereof. Receipts issued to the insured in respect of loss or damage to the goods.

SCI

No of Pieces RC#	Gross Weight	Kg	Rate Class		Chargeable Weight	Rate / Charge	Total	Nature and Quantity of Goods (incl. Dimensions of Volume)
			to	Commodity Item No.				
50	1,425.00	K	0		1,425.00	2.55	3,633.75	DIMS: 50/38x47x58 NIC-OUT PLASTIC CIGARETTE HOLDER WITH FILTERING INSERT
50	1,425.00						3,633.75	

Prepaid	Weight Charge	Collect
3,633.75		
Valuation Charge		
Tax		
Total Other Charges Due Agent		
40.00		
Total Other Charges Due Carrier		
1,037.50		
Total Prepaid		
4,711.25		
Total Collect		
Currency Conversion Rates		
CC Charges in Dest. Currency		
Charges at Destination		
Total collect Charges		

Other Charges			
PSC: EUR	997.50	ANA: EUR	40.00
NOC: EUR	40.00		
Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations			
000021			
JAS FORWARDERLIK LTD.STI.			
Signature of Shipper or his Agent			
23/11/2007		ISTANBUL	
Executed on (date)		at (place)	
Signature of Issuing Carrier or its Agent		Signature of Issuing Carrier or its Agent	
WI-406-2078-6592-WO			



Alex Stobidker <slobidker@gmail.com>

i wanted you to know

Christine Gilliar <pm_christine@msn.com>
To: sales@nic-out.com

Mon, Jan 30, 2006 at 18:28

I PURCHASED THIS PRODUCT THOUGH A MAGAZINE AND I HAVE BEEN USING IT SINCE SAT. I KNOW I PROBABLY WILL NEVER QUIT SO, SO FAR THIS IS THE BEST PRODUCT I CAN USE AND I WILL BE ORDERING MORE THOUGH YOU AND HOPEFULLY GET MY DAD ON IT AND ANYONE I RUN INTO THAT WANTS TO QUIT BUT CAN'T... SO THANK YOU!!! CRHISTINE
pm_christine@msn.com

000022



Alex Slobidker <slobidker@gmail.com>

it works

Buddymypuppy2005@aol.com <Buddymypuppy2005@aol.com>
To: sales@nic-out.com

Mon, Feb 27, 2006 at 11:52

I just wanted to let you know my husband and I have been using nic-out for 4 weeks now and it has made a big difference in our smoking habits. Thank you for putting this product on the market.

Dianne Wetzel

buddymypuppy2005@aol.com

000023



Alex Slobidker <slobidker@gmail.com>

NIC - OUT filters

Eva B. <evabelyea@rogers.com>
To: sales@nic-out.com

Mon, Jun 19, 2006 at 17:33

Dear Sirs:

Just wanted to let you know how pleased I am with your product. I am on my second box of filters. I am smoking less, and feeling better. My smokers cough is minimal now. I have been a pack a day smoker for 38 years.

EVA BP.

000024



Alex Slobidker <slobidker@gmail.com>

RE: MAIL ORDER?

DJ LEE <DJL85@webtv.net>
To: sales@nic-out.com

Sun, Oct 22, 2006 at 09:41

Is it possible to order by
mail?

I have found the nic-out
really does help my breath-
ing, and I do enjoy smoking
and have for over 50 yrs. but
the Dr. tells me YOU GOT TO
QUIT. Now that I have used
NIC-OUT I don't think so. Do
hope I can order by mail.

Hope to ear from you soon..

Thanks for reading this...

DJ Lee

000025



**U.S. Customs and
Border Protection**

ENF:-4-02 AD: N/NY: FPF AC
CN: 2009-4601-001008-01

East Coast Traders
1 Ertin Road, 7B
Clifton, New Jersey 07014

AUG 19 2009

Dear Sir or Madam:

This is to officially notify you that the U.S. Customs and Border Protection seized the -
following merchandise described below at Newark, NJ on August 5, 2009:

**420 ea. Counterfeit "Nic-Out" cigarette filters and 900 ea. Non-IPR "Super Stop"
cigarette filters domestically valued at \$635.00**

The counterfeit merchandise was seized and is subject to forfeiture under the provisions of Title 19, United States Code, section 1526(e) and Title 19, Code of Federal Regulations, section 133 because this merchandise is a counterfeit/unlicensed version of the trademark protected products which are registered with the United States Government. The non-IPR merchandise was seized and is subject to forfeiture under the provision of Title 19, United States Code, section 1595a(a) for facilitating the illegal importation or attempted importation of the counterfeit merchandise.

Unless we receive from the trademark owner(s), within 30 days from the date of this letter, written consent to the importation, exportation, entry after obliteration, or other appropriate disposition of the articles, or a petition for relief as described below, the merchandise will be forfeited and disposed of in accordance with title 19, Code of Federal Regulations, section 133.52.

Under the provisions of title 19, United States Code, section 1618, and section 171.12(b) of the Customs Regulations (19 CFR 171.12(b)), you may petition for relief from the above liability within 30 days from the date of this letter. The petition need not be in any specific form, but it should include all the facts, which you believe warrant relief from forfeiture. All petitions should be filed in duplicate and addressed to U.S. Customs and Border Protection, Attn: FP&F Office, 1100 Raymond Blvd., 5th Floor, Newark, NJ 07102.

All correspondence must include the above-referenced seizure case number. You may assent to an administrative forfeiture of the property by checking the second box, signing and returning the enclosed Election of Proceedings Form in which case this office will

000030

dispose of the property without further action. The enclosed Notice of Seizure explains your options with regard to the remission of the forfeiture and possible return to you of the seized property.

If you decide to petition for relief, you must check the first box on the enclosed Election of Proceeding/Waiver form indicating that you wish this office to consider your petition administratively. Checking the second box indicates that you desire Customs to begin appropriate forfeiture proceedings. No matter which box you check, you must also sign and return the form.

If you have any further questions regarding this matter, please contact Ms. Anita Czajkowski of my staff at (973) 368-6076. Our fax number is (973) 368-6082. Please be advised that this office cannot telephone internationally.

Sincerely,



Edward P. Nagle

Director

Office of Fines Penalties and Forfeitures

Newark/New York Area

Encl.: AF-30

00003

Cigarette Filter for Smokers

THE BEST LIFE- SAVING GIFT FOR SMOKING LOVED ONES

Nic-Out
LOW NICOTINE - MORE TASTE



Nic-Out!

THE BEST LIFE-SAVING GIFT
FOR SMOKING LOVED ONES

90% of tar is extracted
nicotine is lowered 5 times

- Home
- Product
- Wholesale
- Store
- FAQ
- Contact us

Magic Safety Invention

According to the American Heart Association, each year smoking accounts for about **5 million deaths worldwide**. Even with these grim statistics, many people are unable or unwilling to quit. But they are willing to accept responsibility for their health. It is always safer to quit smoking. But what if this habit is stronger than your natural survival instinct?! Fortunately, there is an alternative that may help a smoker enjoy Better Health and Longer Life. Now smokers can take **Special Cigarette Filter Nic-Out**, developed by scientists, to help reduce nicotine, tar and thus the health risks associated with smoking.

For orders in Israel:
 Для заказов в Израиле:
 להזמנות בישראל:
 0522762679.



TO QUIT OR NOT TO QUIT?

[Analysis](#) | [Services](#) | [Link to us](#)

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000032

Cigarette Filter for Smokers

THE BEST LIFE-SAVING GIFT FOR SMOKING LOVED ONES

Nic-Out
LOW NICOTINE - MORE TASTE

Nic-Out Filter

This small and simple device provides intensive, multistage cigarette smoke purification: 90% of the tar is extracted; the content of Nicotine is lowered 5 times!

The filter is made of transparent class-A plastic. The same kind of plastic, which is used for production of baby food bottles.

A smoker does not detect any changes in the taste of the cigarette since the method used is mechanical smoke purification.

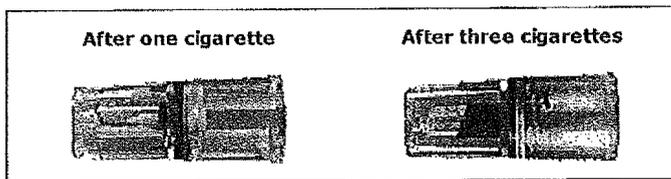
The short length of the filter provides no change in the smoke's temperature, which is an important comfort consideration for most smokers.

The immediate results of using the tiny device is the disappearance of the tormenting "morning cough" - usually a consequence of smoking over 15 cigarettes per day. After 2 weeks of using this filter the smokers are completely rid of the "morning cough"



- Home
- Product
- Wholesale
- Store
- FAQ
- Contact us

For orders in Israel:
Для заказов в Израиле:
להזמנות בישראל:
0522762679



One Filter is good for 5 Cigarettes, one pack contains 30 filters.

This product is invaluable for each and every smoker.

The most convincing illustration of this fact is the drastic color change of the bright yellow insert with each consumed cigarette.

Keep your lungs safe - use Nic-Out!

This product is the best life-saving gift for your smoking loved ones.

ECigarette Official STUDY -
Do Not Buy ECigs Until Read This Report
You'll Be Shocked What Found

The HOTTEST Vapor Deals
Free Shipping within 24 hours Starter Kits
start at \$12.99

[Analysis](#) | [Services](#) | [Link to us](#)

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000033

Cigarette Filter for Smokers

THE BEST LIFE- SAVING GIFT FOR SMOKING- LOVED ONES



Become a distributor

We are constantly looking for new distributors of our Nic-Out product in different countries (except Canada). Our product ensures good profits for distributors.

With negotiable order quantity and very prompt delivery to any country we enable you to start from small quantity and develop your client base.

We provide full marketing support and promotion materials.

Please contact us if you are interested in Distribution Nic-Out filters in your country.

- Ⓢ Home
- Ⓢ Product
- Ⓢ Wholesale
- Ⓢ Store
- Ⓢ FAQ
- Ⓢ Contact us

Contact us

ECigarette Official STUDY →
 Do Not Buy ECigs Until Read This Report
 You'll Be Shocked What Found

The HOTTEST Vapor Deals
 Free Shipping within 24 hours Starter Kits
 start at \$12.99

For orders in Israel:
 Для заказов в Израиле:
 להזמנות בישראל:
 0522762679

[Analysis](#) | [Services](#) | [Link to us](#)

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000034

Cigarette Filter for Smokers

THE BEST LIFE- SAVING GIFT FOR SMOKING LOVED ONES

Nic-Out

LOW NICOTINE - MORE TASTE

Listing of all products

- Home
- Product
- Wholesale
- Store
- FAQ
- Contact us

For orders in Israel:
 Для заказов в Израиле:
 להזמנות בישראל:
 0522762679



Nic-Out 10 Packs
 (10 packs)
 \$29.99 \$39.99
 Save 26%



Nic-Out One Carton
 (20 packs)
 \$58.99 \$82.80
 Save 28%



Nic-Out 2 Cartons
 (40 packs)
 \$89.99 \$159.60
 Save 44%



Nic-Out Master-Case
 (36 cartons)
 \$1,259.99 \$2,051.00
 Save 38%



Nic-Out.com Safe Shopping Guarantee & Shipping Terms

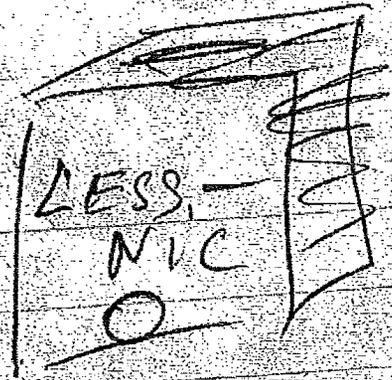
► [Learn More](#)

[Analysis](#) | [Services](#) | [Link to us](#)

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000035

Less-NIC

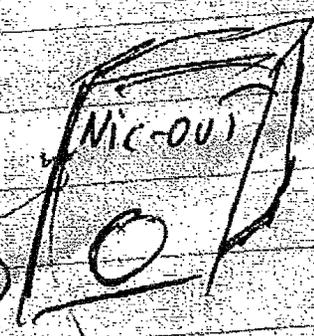
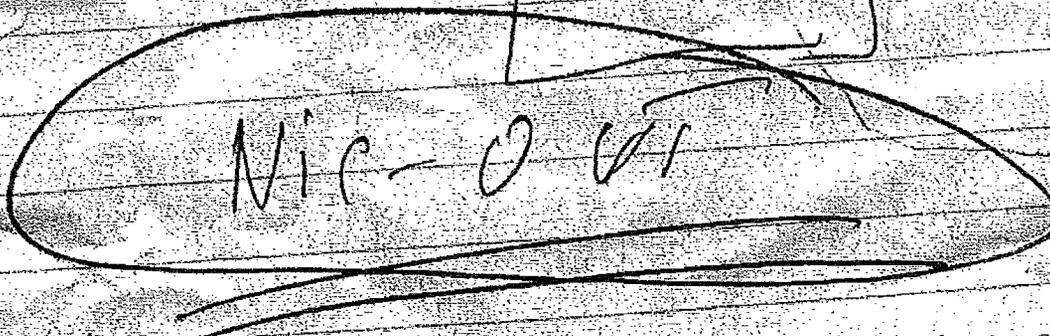
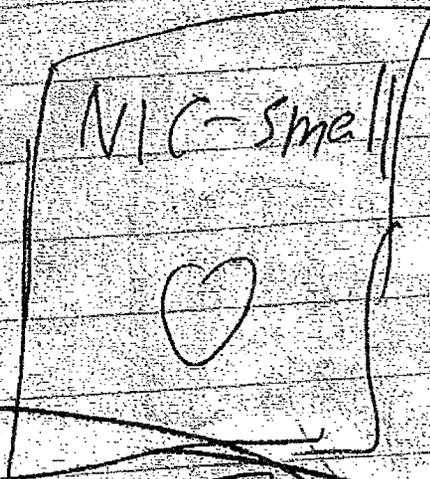


TAR-OUT

NICTAR-OUT

NICOLESS

Small-NIC

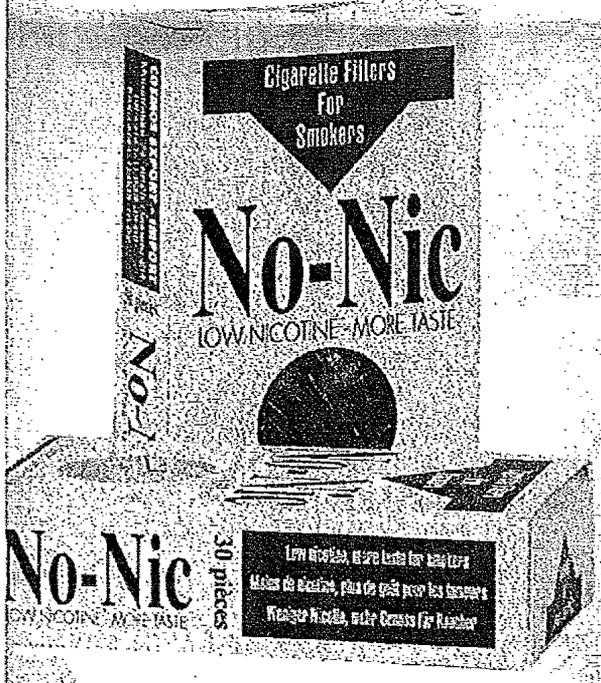


Cigarette Filters
For
Smoker

*Less Nic
Less Tar-Nic*

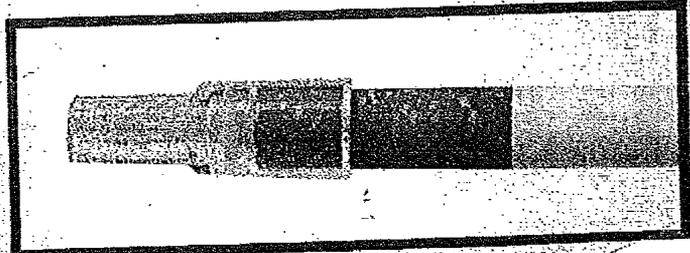
Quit Nic
No-Nic

Nic-OUT LOW NICOTINE - MORE TASTE



Weniger Nicotin, mehr
Genuss für Raucher

Der No - Nic Filter setzt den nikotin und
Teerstoffkonsum von 40% bis 60% herab.

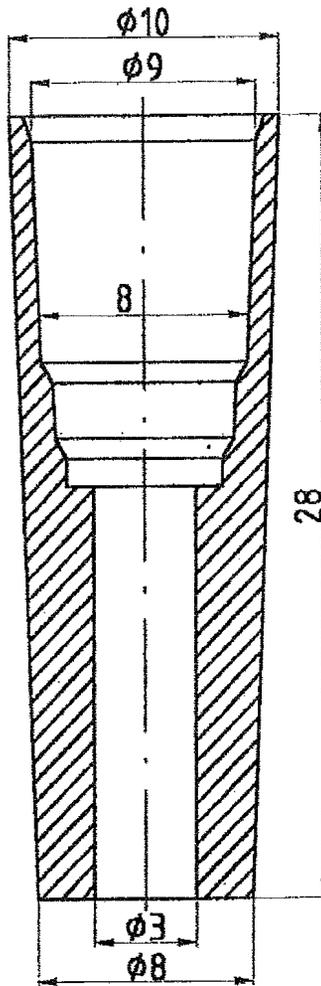
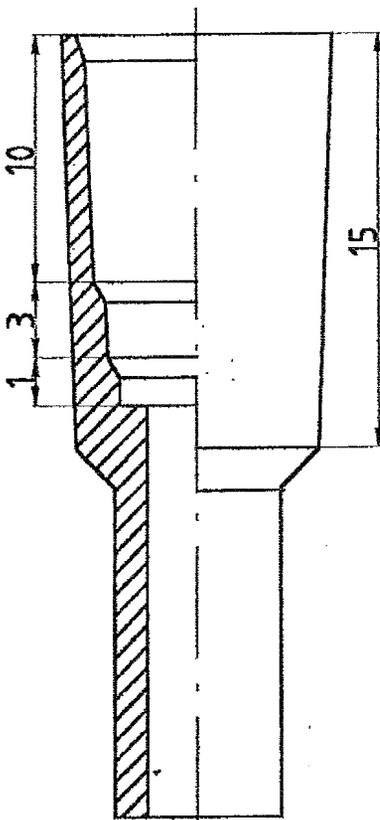


pour les fumeurs

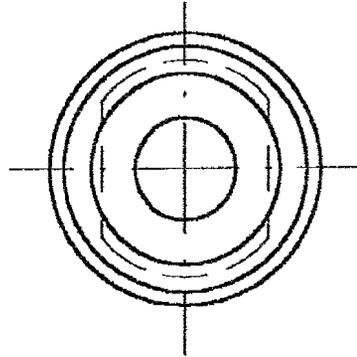
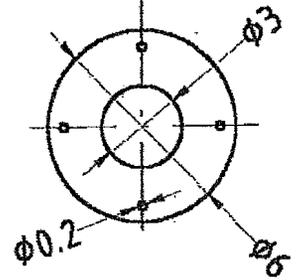
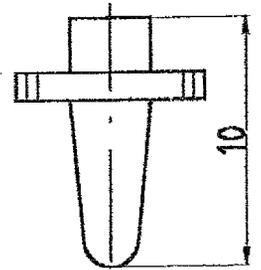
Le filtre No - Nic diminue la consommation
de nicotine et de goudron de 40% à 60%

000055

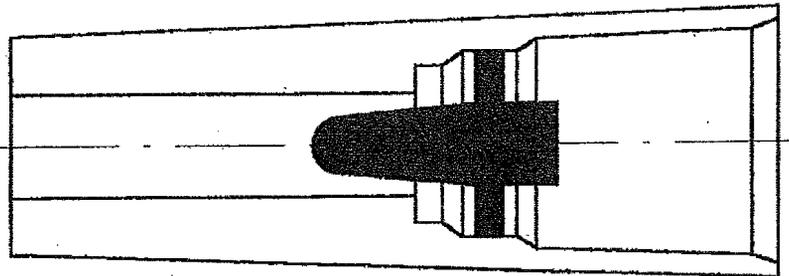
PART-1



PART-2



Cigarette Filter



Nic-O-Mat

000056

P1: common body	Many stage cigarette filter for smoker	BG/6412-01		
P2: movable part				
Plastic material	Property of P.Service (Israel)			1999

TM USA 92

1. Targuard

2. Nico Buster

3. Stop

4. Suzen 95

5. Suzen 92

6. Less TAR

7. SUPER Suzen

8. Super FILTER

**PROUD TO BE
AN AMERICAN**

Enjoy NIC-OUT
**FOR THE HEALTHY
NATION!**

As a Smart Buyer, with purchase of each pack
of this product you will get
Free Bonus – USA Flag Lapel Pin

According to the American Heart Association, each year smoking accounts for about **5 million deaths worldwide**. Even with these grim statistics, many people are unable or unwilling to quit but are willing to accept responsibility for their health.

Now smokers can take **Special Cigarette Filter Nic-Out**, developed by the scientists of Israel, to help reduce nicotine, tar and thus the health risks associated with smoking.

It is always safer to quit smoking. Meanwhile there is an alternatives that may help a smoker enjoy **Better Health and Longer Life**.

Read more in the Flyers attached herewith

INVOICE 3511**26-03-2002****P.SERVICE
AVRAHAM MAPO 10/3
BEER SHEVA / ISRAEL****For Transportation of 20 coliboxes of Nic-out cigarette filters to NewYork/U.S.A. for
Company Safety Aid Supplies Inc.:**

Transport	1176 USD
Conchimento Document	80 USD
Insurance	44 USD

Total	1300 USD (OnethousandthreehundredUSD)
--------------	--

**burda ticaret**
Sera D. YAGIC
Keresteciler Sitesi Fatih Cad. Ceviz Sok.
No:12/2 Merter - Istanbul / TÜRKİYE
Mersor Vergi Dairesi 263 003 1824

000082

Exporter's Statement of Origin

I certify that the goods "Nic-Out" Holders (AWP 125 8426 0886) described in this invoice or in the attached invoice no. 3511 26/03/2002, were produced in TURKEY, by request of beneficiary of "P. Service" company, and that at least 100% of the ex-factory price of the goods originates in the beneficiary country of ISRAEL.

Name and Title

Nahshin Leonid
Director of P. Service company, ISRAEL

Company Name and Address

"P.SERVICE" Avraham Mapo 10/3 Beer-Sheva. ISRAEL

Telephone and Fax Numbers

Tel: ++972-52762679
Fax: ++972-86421322

29/03/2002

[Handwritten Signature]




Ben-Gurion University of the Negev
Environmental Engineering Unit

Environmental Analytical Laboratory (EAL)
Rotem Industrial Park, Mishor Yamin, ISRAEL 86800
Tel. +972-8-6571331, Fax +972-8-6571332



25 April 2002

P. Service
10, Mapo St.
Beer Sheva ISRAEL

Cigarettes filter (Nic Out) - analysis report

A box containing cigarettes filters (Nic-Out), was sent to the lab by Ms. Sabina Felix, head of materials characterization unit of the BGU . It was received in our lab. on 25th of April 2002. Two filters were sampled and designated: 02-416 and 02-417. The first filter was crushed and the second stayed intact. Both samples were extracted, in nitric acid for half an hour , immersed in an ultrasonic bath. The extract was diluted and an internal standard was added.

The diluted extracts were analysed using an ICPMS system (TJA PQ3 model), standardized with Spex multielement solution no. 2 .

The content of heavy metals in the filters (both filters sampled), is as follows:

Zinc - less than 0.02 mg/Kg .
Cadmium - less than 0.05 mg/Kg .
Lead - less than 0.05 mg/Kg .

Sincerely yours,

Zvi Goldbart
Head, Analytical Service
EAL

Cc: Ms. Sabina Felix, Head of materials characterization unit of the BGU .

000092

Nic-Out

Disposable Cigarette Filters

Test Report - May 2003

Run#	Port#	Client Code	Modification	Arista Code	Puffs/Cigt	MS TPM (mg/cigt)	CO (mg/cigt)	Water (mg/cigt)	Nicotine (mg/cigt)	Tar (mg/cigt)
1	B	Marlboro FF KS	No Nic-Out Filter	1543-1	8.3	18.0	13.5	2.42	0.98	14.6
1	I	Marlboro FF KS	No Nic-Out Filter	1543-1	8.0	17.9	13.7	2.28	0.95	14.7
1	J	Marlboro FF KS	No Nic-Out Filter	1543-1	7.5	16.1	13.5	1.92	0.87	13.3
1	M	Marlboro FF KS	No Nic-Out Filter	1543-1	8.0	17.7	14.6	2.45	0.95	14.3
2	D	Marlboro FF KS	No Nic-Out Filter	1543-1	7.8	18.2	12.8	2.83	0.93	14.5
				Average	7.9	17.6	13.6	2.38	0.93	14.3
				SD	0.3	0.9	0.6	0.33	0.04	0.6
				%RSD	3.4	4.9	4.7	13.8	4.1	4.0
1	H	Marlboro FF KS	With Nic-Out Filter	1543-2	9.0	1.32	1.39	0.12	0.102	1.10
1	N	Marlboro FF KS	With Nic-Out Filter	1543-2	10.0	0.20	0.74	0.01	0.020	0.17
1	P	Marlboro FF KS	With Nic-Out Filter	1543-2	9.4	0.24	0.87	0.02	0.022	0.19
2	A	Marlboro FF KS	With Nic-Out Filter	1543-2	9.4	0.10	0.008	nd	0.008	0.09
2	C	Marlboro FF KS	With Nic-Out Filter	1543-2	9.8	0.38	0.63	nd	0.020	0.36
				Average	9.5	0.45	0.74	0.05	0.034	0.38
				SD	0.4	0.60	0.47	0.06	0.038	0.41
				%RSD	4.1	111.1	63.5	118.9	111.0	107.6
1	C	Marlboro Ultra Lights	No Nic-Out Filter	1544-1	7.5	7.46	8.69	0.61	0.48	6.37
1	E	Marlboro Ultra Lights	No Nic-Out Filter	1544-1	7.1	6.74	8.91	0.54	0.44	5.76
1	L	Marlboro Ultra Lights	No Nic-Out Filter	1544-1	7.0	6.34	8.38	0.43	0.42	5.50
1	Q	Marlboro Ultra Lights	No Nic-Out Filter	1544-1	7.1	6.70	8.63	0.45	0.43	5.61
2	B	Marlboro Ultra Lights	No Nic-Out Filter	1544-1	7.8	7.34	8.24	0.60	0.47	6.26
				Average	7.3	6.92	8.57	0.53	0.46	5.94
				SD	0.4	0.47	0.26	0.08	0.03	0.37
				%RSD	4.8	6.8	3.1	15.8	6.2	6.2
1	A	Marlboro Ultra Lights	With Nic-Out Filter	1544-2	9.6	nd	0.04	0.17	nd	nd
1	F	Marlboro Ultra Lights	With Nic-Out Filter	1544-2	8.8	0.88	0.66	0.08	0.008	0.79
1	O	Marlboro Ultra Lights	With Nic-Out Filter	1544-2	8.6	1.00	1.62	0.01	0.066	0.92
1	S	Marlboro Ultra Lights	With Nic-Out Filter	1544-2	8.4	nd	0.39	0.01	Nd	Nd
2	E	Marlboro Ultra Lights	With Nic-Out Filter	1544-2	8.0	0.14	0.61	0.02	0.006	0.12
				Average	8.7	0.67	0.66	0.06	0.026	0.61
				SD	0.6	0.47	0.59	0.07	0.035	0.43
				%RSD	6.8	69.2	88.5	117.2	133.2	70.6
1	D	KY2R4F	No Nic-Out Filter	2R4F	8.7	10.5	13.5	1.02	0.68	8.80
1	G	KY2R4F	No Nic-Out Filter	2R4F	8.7	11.3	12.2	1.04	0.72	9.54
1	K	KY2R4F	No Nic-Out Filter	2R4F	8.8	10.9	13.6	0.88	0.70	9.35
1	R	KY2R4F	No Nic-Out Filter	2R4F	8.3	11.2	12.8	1.09	0.72	9.41
1	T	KY2R4F	No Nic-Out Filter	2R4F	9.5	11.7	14.0	1.03	0.76	9.89
				Average	8.8	11.1	13.2	1.01	0.72	9.40
				SD	0.4	0.4	0.7	0.08	0.03	0.39
				%RSD	4.9	3.9	5.6	7.7	4.2	4.2
			Limit of Detection:						0.001	
			Limit of Quantitation:						0.003	

P. Service

INVOICE № 1654NC02

CONTRACT/ORDER: № 765
ORDER DATE: 08/17/2007
PRODUCT: NIC-OUT CIGARETTE HOLDERS
QUANTITY: 25 master-case(MC)
SHIP TO: Product Source International LLC
ADDRESS: Product Source International LLC
13 Coleman Rd. Berlin, NJ, 08009, USA
PHONE: Tel: (856) 753-8127
FAX: Fax: (856) 753-3713
BEGIN SHIP DATE: 05/29/2007
SHIPPING TERMS: CIF Philadelphia, USA
SHIP VIA: AIR
WHOLESALE PRICE: \$15,480.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
720 (PER "MC") x 25 MC = (18,000 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.86	15,480.40

PRICE BASE:	CIF Philadelphia, USA
COUNTRY OF ORIGIN:	ISRAEL
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 8 days from order date
PAYMENT TERMS:	Bank Transfer of funds Bank: LEUMI. 922 MERKAZ HANEDEV 54 BEER-SHEVA. ISRAEL Account: 013872/68 "P.SERVICE" Swift code : LUMI-ILI TTLV
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Nahshin Leonid
Executive Director
P. SERVICE



Hazvi st., 153/36
Beer-Sheva, Israel
www.nic-out.com
info@nic-out.com
Tel/Fax: + (972) 864-21322

000094

SIDE A

SIDE B

as SELLER

as BUYER

BURDA TİCARET
Keresteciler Sitesi, Ceviz Sokak 12/2
Merter - İstanbul / Türkiye
Tel: +90(0212)557 06 86

P.SERVICE
Avraham Mapo 10/3
Beer Sheva / Israel
Tel: +972(7)642 13 22

Bank : AKBANK/Keresteciler
(BU 8/00/0004909/01-8)

Bank: LEUMİ / Beer Sheva
(924-025783/35)

Description	Quantity	Price	Total
Cigarette filters	14400 boxes	0.25 USD	3600 USD
Bulk cigarette filters	3000 pieces	0.008	24
Advertising cards	3000 pieces	0.010	30
Transport			622
Konchimento document			70
Insurance			100

TOTAL CIF TELAVIV : 4446 USD

-Only Four thousand four hundred forty six USD Dollars-

Payment Conditions :

Advanced paid : 1000 USD

The rest 3446 USD will be paid when goods are ready



BURDA TİCARET
Savaş DİMARÇUĞ

Keresteciler Sitesi, Ceviz Sokak 12/2
Merter - İstanbul / Türkiye
Merter Vergi Dairesi: 269 003 1874

000102



ORIGINAL PACKING LIST

No: 2115

16.10.2000

P-SERVICE
Avraham Mapo 10/3
Beer Sheva / Israel

Packing	Each coli	Description	Total	Gross	Net kg
1-20	720 boxes	NIC-OUT Cigarette filters	14400 boxes	560 kg	530 kg
21		Bulk filters with advertising cards	3000 pieces	5 kg	4 kg

Total 21 colis
Gross :565 kg
Net :534 kg

Goods are Turkish origin

BURDA TICARET
SAVAS DAMARGUC
Fatih Cad. Ceviz Sok. No: 12 / 1-2
Keresteciler Sitesi Merter - ISTANBUL
Merter V. D. 269 003 1824

Commercial
VALUE



TORONTO

INVOICE 2202

09-08-2001

P-SERVICE
AVRAHAM MAPO 10/3
BEER SHEVA / ISRAEL

Description	Quantity	Price Unit	Amount
Nic-Out Cigarette Filters	14400 packs	0.25 USD	3600 USD
Advertising cards with filters	3000 pcs	0.09 USD	270 USD
Insurance			80 USD
Freight (Transport)			1120 USD
TOTAL CIF TORONTO			5070 USD

-Only Fivethousandseventy USD-

Goods are Turkish Origin

Payment: Money Transfer to Sellers following bank details:

AKBANK /Keresteciler Branch

Acc no : BU 8-00-0004909-01-8 Burda Ticaret

Swift-code : AKBKTRIS AKBANK 3058615026

Burda Ticaret /Istanbul and P-Service/Israel have concluded following contract as follows:

THE CONTRACT SUBJECT

Burda Ticaret agrees to produce for P-Service min.300 coliboxes of Nic-out Cigarette Filters every year.Payment conditions will be agreed each time between both companies. The brandname Nic-out belongs to P-Service and Burda Ticaret may not sell Nic-out cigarette filters without permission of P-service to other companies.

The quality of goods should correspond to the presented sample.Burda Ticaret has to produce the same good quality always like the sample.

Seller

**Burda Ticaret
Keresteciler Sitesi ,Ceviz Sokak 12/2
Merter -Istanbul/Turkey**

Buyer

**P-Service
Beer Sheva, Avraham Mapo 10/3
Israel**

[Handwritten signature and stamp]
burda ticaret
Keresteciler Sitesi, Ceviz Sokak
12/2 Merter -Istanbul /TURKEY
Ticaret Sicil No: 274 000 1824

[Handwritten signature]
**P. SERVICE
AVRAHAM MAPO 10/3
BEER-SHEV ISRAEL
Fax 972-7-6421322 052-752697**

EXHIBIT "F"
(to NOTICE OF RELIANCE)

Petitioner is a business owner of "P. Service" company. Petitioner is managing this business. In this business, the only one line of work is selling mouthpieces "Nic-Out" for cigarettes. Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 19: How long have been You been engaged in this line of work?

RESPONSE: Petitioner has been working in this line of work since 1999.

INTERROGATORY NO. 20: What other lines of work or occupations have You been engaged in and for how long? (Please provide dates.)

RESPONSE: Petitioner's only and main occupation is the management of "P. Service" company. Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 21: Would You agree with the statement that You are currently engaged in the business of brokering deals between manufacturers of consumer products and distributors of those products? If You do not agree with the statement, please explain in detail why You disagree.

RESPONSE: Petitioner disagrees to the statement. Petitioner receives orders from customers for the supply of mouthpieces for cigarettes "Nic-Out", places orders for production and follows the manufacture and shipment of finished products. Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 22: Are You currently engaged in any other lines of work than brokering deals between manufacturers of consumers products and distributors for those products? If so, please describe the general nature of those other lines of work or occupations.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is not relevant to the case. See answers to the Interrogatory 21.

INTERROGATORY NO. 23: Does Your current line of work or occupation – or any of Your other lines of work or occupations – involve the importation of goods into United States? If so, please provide details of those lines of work or occupations as they related to the importation of goods into the United States, specifically including at least the following:

- a. The nature of the goods imported,
- b. Their country of origin, the location of their manufacture,
- c. The individuals or companies who receive the goods on the United States,
- d. The channels of trade or distribution the goods are sold within,
- e. The dates of such distribution within the United States,
- f. The approximate volume of sales for these goods, and
- g. The approximate amount of investment You have made in the importation, marketing, and distribution of these goods in order to avail Yourself commercially of the United States market.

RESPONSE: Petitioner objects to the instant interrogatory on the grounds that it is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner starts selling mouthpieces “Nic-Out” for cigarettes to United States in 2002. Currently Petitioner is barred by the Respondent from importing this product into United States. Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 24: Please describe in detail the events surrounding Your decision in 1999 “to engage in the business of manufacturing and selling disposable mouthpieces for use in connection with cigarettes which filter out the harmful chemicals a smoker inhales

while smoking,” as stated in Your answers to PSI’s Interrogatory No. 1. Specifically, please explain to motivation You had engage in this business.

RESPONSE: Petitioner has been smoking since age 18. He understood that smoking was a very bad habit, but he could not quit. In 1999, he tried to smoke through a disposable mouthpiece made in Japan, purchased in Israel. He saw that these mouthpieces were very effective in cleaning up hazardous substances from cigarettes. Petitioner decided to do this business.

INTERROGATORY NO. 25: How did You come up with the idea to produce a disposable mouthpieces?

RESPONSE: Petitioner objects in that this interrogatory is vague and incoherent. Petitioner further objects as this interrogatory stated word “produce”. Subject to these objections Petitioner responds as follows:

Petitioner engages in the business of selling and distributing of “Nic-Out” mouthpieces. Petitioner receives orders from customers for the supply of mouthpieces for cigarettes “Nic-Out”, places orders for production and follows the manufacture and shipment of finished products. Please see answer to Interrogatory No. 21. Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 26: How did You come up with the name NIC OUT?

RESPONSE: Please see answer to Interrogatory No. 1.

INTERROGATORY NO. 27: Prior to Your decision to use NIC OUT as the name of the disposable mouthpiece, had You ever heard of anyone else using the name “nic out” for other devices? If so, describe these other devices in detail and state when, where and how You first become aware of these devices.

RESPONSE: Before Petitioner decided to use the name "NIC-OUT" as the title of disposable mouthpieces, he has not heard anyone else use the name "NIC OUT" for other devices.

INTERROGATORY NO. 28: Had You ever bought, sold, used designed, or modified any other devices that were called “nic out” other than the disposable mouthpieces You claim to have designed or manufactured Yourself? If so, please explain.

RESPONSE: Petitioner objects that this interrogatory is vague, incoherent, irrelevant and overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

No other devices, which are called "NIC OUT", other than disposable mouthpieces, Petitioner sell, use, develop or modify. Petitioner participated in the development of a disposable mouthpiece "NIC OUT". Constant improvements were made with a mouthpiece since 1999 to 2002.

The results of this work were filed in the Israeli Patent Office under the number 151387 on August 21, 2002. The application for a patent under Petitioner's name described a disposable mouthpiece and its effect on the filtration of cigarette smoke. After that, the number of patent application was published on almost all packs entering the United States. Please see attached documents in addition to any relevant documents produced previously.

Petitioner was not planning to produce mouthpieces. He was planning to place an order for production of mouthpieces under the original name "NIC OUT" in the manufacture, acting in the field of plastic. That was done.

INTERROGATORY NO. 29: How did You choose Burda Ticaret as the company to manufacture Your disposable mouthpieces?

RESPONSE: Petitioner Stated: "There was no one who was engaged in such a production in Israel. "BURDA TICARET" was found by me in Istanbul, Turkey. I flew to Istanbul. I started looking for various plastic products in the shops in order to find the name and contact of the manufacturer on the packs. I found the manufacturer of mouthpieces similar to the "NIC OUT". This manufacturer was "BURDA TICARET". He had the entire necessary industrial base. In August 2000, we agreed that they will produce for me the mouthpieces for cigarettes under my trademark "NIC-OUT".

INTERROGATORY NO. 30: Please describe in detail the nature of Your business arrangement with Burda Ticaret and provide all documents that support your explanation of that arrangement.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner Stated: "It was the relationship between the product manufacturer and the owner of the trademark "NIC-OUT". I have been taking orders and money from the customers and placing the orders for the production for the required number of disposable mouthpieces for my brand "NIC-

OUT" in BURDA TICARET. BURDA TICARET was producing goods, than goods were shipped according to my instructions. I was paying for their work."

INTERROGATORY NO. 31: Do You own all or any interest in Burda Ticaret? If So, please give the particulars.

RESPONSE: Petitioner does not own any interest in Burda Ticaret.

INTERROGATORY NO. 32: Do You control the manufacturing process of Your disposable mouthpieces or any other products manufactured by Burda Ticaret? If so, please give the particulars.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner sometimes was coming to Turkey to monitor the quality of disposable mouthpieces for his brand "NIC-OUT". He had always received samples of products so that he could assess the quality.

INTERROGATORY NO. 33: Did You provide Burda Ticaret with any engineering or technical drawings of how to manufacture the disposable mouthpieces? If so, please produce the drawings and explain how you developed them.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner stated: "No, I didn't. I gave recommendations only in oral form to improve the quality of mouthpieces."

INTERROGATORY NO. 34: Have you suggested any modifications or changes to Burda Ticaret for the manufacturing of the disposable mouthpieces? If so, please provide the pictures.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner stated: "Yes, I have."

INTERROGATORY NO. 35: What quality-control measures, if any, do you take to assure that the disposable mouthpieces manufactured by Burda Ticaret meet Your brand standards and quality for the NIC OUT mark? Please provide all documents that support Your answer.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner stated: "I was traveling to Turkey to monitor the quality of disposable mouthpieces for my brand "NIC-OUT". In addition, I had always received samples of products so that I could assess the quality."

In November 2002, I found a new manufacturer "ATAS", Istanbul for the mouthpieces "Nic-Out". I signed a contract with him and until today they have been my producers. I gave them all the technical drawings for the production of disposable mouthpieces "NIC-OUT".

Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 36: Do you have any written agreements with Burda Ticaret? If so, please identify each such agreement and produce a copy.

RESPONSE: Petitioner stated: "At that time when I worked with "BURDA TICARET", we had an agreement, which was signed on January 1, 2001."

Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 37: Have you ever rejected any manufacturing lots of disposable mouthpieces manufactured by NIC OUT for failure to meet your brand standards for the NIC OUT mark? If so, please provide all relevant details, such as the date of rejection, reason for rejection, and quantity rejected. Please also identify and produce any documents related to any such rejection.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner stated: "I stopped working with a "BURDA TICARET", because they did not want to make further improvements of mouthpieces "NIC-OUT". The company "ATAS", Istanbul has taken into account and considers all our wishes and norms for mouthpieces "NIC-OUT"."

INTERROGATORY NO. 38: Have you ever considered any other manufacturing companies for the manufacture of any products to be sold under the NIC OUT brand, and if so, which ones?

RESPONSE: Please see answer to Interrogatory No. 35.

INTERROGATORY NO. 39: In response to PSI's Interrogatory No.1, You state that "By October of 2000 the first shipment of the NIC-OUT product was received from the manufacturer in Israel and shortly thereafter a shipment was forwarded to Yael Menkin, a U.S. resident in the U.S to begin the search for buyers and distributors of the product in the U.S". Please clarify what You mean by "shortly thereafter" by providing a detailed account of the events leading up to and including the shipment being forwarded to Yael Menkin.

RESPONSE:

Petitioner stated: "On October 16, 2000 the first shipment of the "NIC-OUT" was sent to Israel Please see attached documents evidencing, referring or relating to goods or services by Petitioner under or pursuant Petitioner's trademark rights.

In early November 2000, I forwarded a few blocks of "NIC-OUT" in the U.S. for Yael Menkin, who lived in the U.S., so that she could start looking for the potential buyers in the U.S. "

INTERROGATORY NO. 40: When precisely was the shipment forwarded to Yael Menkin?

Please produce all documents that support Your answer.

RESPONSE: In early November 2000, petitioner posted a few blocks of "NIC-OUT" in the U.S. for Yael Menkin, who lived in the U.S., so that she began to look for to potential buyers in the U.S., check out the market mouthpieces in America and the price levels.

It was not industrial cargo. It was samples of mouthpieces "NIC-OUT". About 4 blocks, this included 80 packs. The parcels weight was 3.5 kg. Parcels were sent by speed post.

INTERROGATORY NO. 41: Did You take possession of the shipment forwarded to Yael Menkin or was it sent directly to him from the manufacturing facility? Please produce all documents that support your answer.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner stated: "It was not industrial cargo. These were samples of mouthpieces "NIC-OUT". About 4 blocks, this included 80 packs. The parcels weight was 3.5 kg. It was sent by speed post. The samples were taken from the cargo that I got to Israel and was personally located in my warehouse before departure."

INTERROGATORY NO. 42: What role, if any, did You play in controlling the use of the NIC OUT logo on the shipment forwarded to Yael Menkin? Specifically, did you require any form of brand standards, as to product quality, and, if so, what were they?

RESPONSE: Please see answer to Interrogatory No. 41.

INTERROGATORY NO. 43: Did you sign any contracts or other agreements with Yael Menkin? If so, please produce copies of all such contracts or other agreements or account for your inability to produce them.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines.

INTERROGATORY NO. 44: Did you enter into any contracts or other agreements with Nicolas Maslov, including but not limited to distribution agreements, marketing agreements, employment agreements, trademark licence agreements, website development or hosting agreements, domain name registration agreements, or any other contracts or agreements that might evidence Your control over the specifics of how Nikolas Maslov may have used the Mark? If so, please produce them.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner did entered into written agreement with Nikolas Maslov. Please see attached documents evidencing, referring or relating to agreement entered into by Petitioner and N.Maslov.

INTERROGATORY NO. 45: Did you exert any control over brand standards or quality control of Nicolas Maslov's activities within the United States? If so, please explain what they are and produce any documents or other evidence supporting Your account.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner stated: "Sure, I am. I have been controlling over not only brand standards, but also quality control of Nicolas Maslov's activities within the United States.

At first I inspected brand standard of "Nic-Out" filters that I was sending to United States. A part of goods produced for United States was delivered to me, in Israel, for sale here. That's why I saw and inspected quality of the goods by myself. On packs, which were going to be shipped to U.S.A, I checked my filters brand name NIC OUT; also I checked appearance of my business label "P. Service", Israel and also my website address www.nic-out.com. This way I controlled my business in U.S.A. Furthermore, Mr. N. Maslov has been informing me about each and all his activity in sales of "Nic-Out" on U.S.A market. Additionally, I was checking the internet about any forgery of original "Nic-Out".

Please see attached documents evidencing, referring or relating to goods or services by Petitioner under or pursuant Petitioner's trademark rights.

INTERROGATORY NO. 46: Identify all contracts and/or agreements with any person or business entity for the sale of NIC OUT products in the United States. Produce copies of every such agreement and/or contract.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines.

Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 47: Please explain the nature of Your involvement in the selection and registration of the domain name "nic-out.com" for the website you reference in your answer to PSI's Interrogatory No. 4.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner Stated: "Domain name "nic-out.com" was chosen by me personally according to the name of mouthpieces "Nic-Out".

Following my direction, in September 12, 2002, the manager of my company "P. Service" Alex Slobidker registered the domain nic-out.com.

Please see attached documents evidencing, referring or relating to registering Petitioner's domain nic-out.com.

Also, at the same moment the site www.nic-out.com was opened. The site is working today and is being actively promoted. The site is also an online store.

Since 2005, direct sales of "NIC-OUT" from the site began, including the sales in the United States. The site and the product were known in the U.S., so customers have started to buy directly from the site.

Please see attached documents evidencing, referring or relating to goods or services by Petitioner under or pursuant Petitioner's trademark rights.

INTERROGATORY NO. 48: What involvement did you have in the website's design, layout, content, advertising strategies, or other operations generally? Please produce all documents used in connection with these efforts.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner Stated: "All articles on the site were written by me, based on personal knowledge, that information may be confirmed by sales manager, Alexander Slobidker."

INTERROGATORY NO. 49: Identify, with precision, each and every instance of your use of the NIC OUT trademark in the United States since 2000.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Petitioner further objects as this interrogatory calls for identification of clients of Petitioner, which is confidential and trade secret.

Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 50: For each such use of the NIC OUT trademark identified in the answer to the previous question, identify (1) the date of use, (2) the product associated (or sold) in connection with the NIC OUT trademark, (3) the location of the use within the United States, and (4) the volume of sales of the product using the NIC OUT trademark, both in terms of units and gross revenue.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Petitioner further objects as this interrogatory calls for identification of clients of Petitioner, which is confidential and trade secret.
Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 51: Identify all advertising for NIC OUT that has occurred in the United States since 2000.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines. Subject to these objections Petitioner responds as follows:

Petitioner Stated: "Beginning in 2002, "Safety Aid Supplies Inc." according to the agreement between its owner Mr. Maslov and me, owner of "P. Service" led a very active work in the introduction and sale of "NIC-OUT" in the United States, including participation in trade fairs. Mr. Maslov was keeping me informed about it. (Doc 1 2)

During period of our business relationships with "Safety Aid Supplies Inc.", we agreed that they will do advertizing and promotions of the product in the U.S. on behalf of the promoting my brand "NIC OUT". For this "P. Service" promised not to sell "NIC-OUT" to other representatives in the U.S. territory."

Please see attached documents in addition to any relevant documents produced previously.

INTERROGATORY NO. 52: For each such instance of advertising identified in the answer to the previous question, (1) state exactly where in the United States the advertising occurred, (2) state in what medium (i.e. print, radio, television, bill board, etc) the advertisements ran, (3) how state many times the advertisement ran, (4) identify and produce any documents, such as the actual advertisements, invoices, etc., related to those advertisements and (5) identify the amount of money spent, on a yearly basis, since 2000 on these advertisements in the United States.

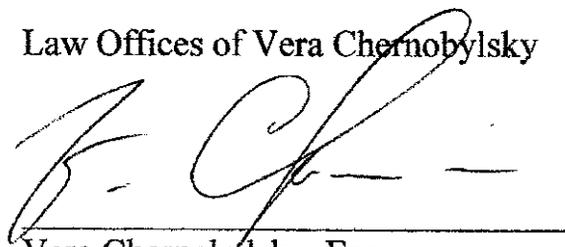
Please produce copies of all documents that are identified in your answer as well as all documents that support Your answer.

RESPONSE: Petitioner objects that this interrogatory is overly broad and burdensome and requests information that may be protected by the attorney-client privilege and/or work product doctrines.

Please see attached documents in addition to any relevant documents produced previously.

Respectfully submitted this __15__ day of December, 2010.

Law Offices of Vera Chernobylsky



Vera Chernobylsky, Esq.
4623 Dunman Avenue
Woodland Hills, CA 91364
Attorney for the Petitioner

DRAFT

724-5721-1641

724-5721-1641

Not Negotiable

Air Waybill

Issued by

SWISS AIR

ATAS TUKETIM MALLARI ITRIYAT
PAZ. SAN. VE TIC. LTD STI
CUMHURİYET CAD.SEHIT ER CENGİZ
KARCIOĞLU SK.NO:4 KAVACIK,BEYK

34810-ISTANBUL/TURKEY

SAFETY AID SUPPLIES INC.
3411 IRWIN AVENUE SUITE 6P,
BRONX, NEW YORK 10463-3749 USA
TEL:+1(646)2613366 FAX:+1(718)5434587

(FOR P-SERVICE)
Issuing Carrier's Agent Name and City

JAS FORVARDERLIK LTD.STI.
ISTANBUL

Agent's IATA Code

Account No.

88-4-7154-0010

Address of Departure (Addr. of First Carrier and Requested Routing)

ATATURK AIRPORT

JFK

SWISS AIR
Airport of Destination
JOHN F. KENNEDY INTERNATI

LX 1805-24/07/07

Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity.

It is agreed that the goods described herein are accepted in apparent good order and condition except as noted for carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENTS MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.

Accounting Information

FREIGHT PREPAID

07/07/310/00867

Reference Number

Optional Shipping Information

Currency: EUR, PP, X, N.V.D., N.V.C.

Amount of Insurance: XXX

Handling information

No of Pieces NCP	Gross Weight	kg	Rate Class Commodity Item No	Chargeable Weight	Rate Charge	Total	Nature and Quantity of Goods Unit, Dimensions of Container
30	855.00	K	C	855.00	2.49	2,128.95	DIMS: 30/38x47x57 NIC-OUT PLASTIC CIGARETTE HOLDER WITH FILTERING INSERT
30	855.00					2,128.95	

Prepaid	Weight Charge	Collect
2,128.95		
	Valuation Charge	
	Tax	
Total Other Charges Due Agent		
30.00		
Total Other Charges Due Carrier		
372.00		
Total Prepaid		
2,530.95		
Total Collect		

Other Charges

FSC: EUR	213.75	AWA: EUR	30.00
MOC: EUR	30.00	SCC: EUR	128.25

000107

Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations.

JAS FORVARDERLIK LTD.STI.

Signature of Shipper or his Agent

23/07/2007 ISTANBUL SAFAK AYDIN

Executed on (DATE) at (PLACE) Signature of Issuing Carrier's Agent

724-5721-1641-70

For Carrier's Use only at Destination Charges at Destination Total Collect Charges

P. Service

Hazvi St., 155/36
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: +(972)864-21322

INVOICE № 1297 NC01

CONTRACT/ORDER: № 1287
ORDER DATE: 15/02/2007
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 51 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc.
3411 Irwin Avenue, Suite 6F, Bronx,
NY 10463-3749
USA
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE:
SHIPPING TERMS: CIF USA
SHIP VIA: AIR
WHOLESALE PRICE: \$22,320.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
50 master-cases (36,000. units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$22,320.00
1 master-case (21600pcs)	CIGARETTE HOLDERS "NIC-OUT" in bulk	\$0.00	\$0.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614.00.9890 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000106

P. Service

Hazvi St., 153/36
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: + (972) 864-21322

INVOICE Nº 1388 NC01

CONTRACT/ORDER: Nº 1325
ORDER DATE: 10/05/2007
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 80 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc.
3411 Irwin Avenue, Suite 6F, Bronx,
NY 10463-3749
USA
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE:
SHIPPING TERMS: CIF USA
SHIP VIA: AIR
WHOLESALE PRICE: \$35,712.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
80 master-cases (57,600. units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$35,712.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614.00.9890 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000111

INVOICE № 1214 NC01

CONTRACT/ORDER: № 1133
ORDER DATE: 02/02/2007
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 50 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc.
3411 Irwin Avenue, Suite 6F, Bronx,
NY 10463-3749
USA
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 7/02/2007
SHIPPING TERMS: CIF USA NY
SHIP VIA: Air
WHOLESALE PRICE: \$22,320.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
50 master-cases (36,000.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$22,320.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000112

P. Service

HAZVI ST., 155/30
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: + (972) 864-21322

INVOICE № 1418 NC01

CONTRACT/ORDER: № 1524
ORDER DATE: 11/09/2007
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 40 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc.
3411 Irwin Avenue, Suite 6F, Bronx,
NY 10463-3749
USA
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 14/09/2007
SHIPPING TERMS: CIF USA
SHIP VIA: AIR
WHOLESALE PRICE: \$18,720.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
40 master-cases (28,800.00. units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.65	\$18,720.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614.00.9890 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000113

DRAFT

724-6090-8433

724-6090-8433

Not Negotiable

Air Waybill

Issued by

SWISS AIR

ATAS TUKETIM MALLARI ITRİYAT
PAZ. SAN. VE TIC. LTD STI
CUMHURİYET CAD.SEHİT ER CENGİZ
KARCIOĞLU NO:4 KAVACIK,BEYKOZ

Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity

34810 Istanbul/TURKEY

Consignee's Account Number

It is agreed that the goods described herein are accepted in apparent good order and condition (except as noted) for carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREBY BY THE SHIPPER, AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation of liability by declaring a higher value for carriage and paying a supplemental charge if required.

SAFETY AID SUPPLIES INC.
3411 IRWIN AVENUE SUITE 6F,
BRONX, NEW YORK 10463-3749 USA
TEL:+1(646)2613366 FAX:+1(718)543 4587

(FOR P-SERVICE)
Issuing Carrier's Agent Name and City

Accounting Information

JAS FORWARDERLIK LTD.STI.
ISTANBUL

FREIGHT PREPAID

Agent's IATA Code

Account No.

07/09/310/01070

88-4-7154-0010

Airport of Departure (Addr. of First Carrier) and Requested Routing

Reference Number

Optional Shipping Information

ATATURK AIRPORT

To By First Carrier From and Destination To By To By

Currency

Declared Value for Carriage

Declared Value for Customs

JFK SWISS AIR

Airport of Destination

Insured Freight

EUR PP X X

N.Y.D.

N.V.C.

JOHN F. KENNEDY INTERNAT

I X 1805-14/09/07

Amount of Insurance

RECHARGE - If Carrier effect insurance and such insurance is requested or procured with the consignee's effect, it shall be liable to be insured in terms of the stated amount of insurance.

Handling Information

SGT

No of Pieces RCP	Gross Weight	Rate Class Commodity Item No.	Chargeable Weight	Rate Charge	Total	Nature and Quantity of Goods and Dimensions of Volume
40	1,140.00 K	0	1,140.00	2.49	2,838.60	DIMS: 40/38x47x58 NIC-OUT PLASTIC CIGARETTE HOLDER WITH FILTERING INSERT
40	1,140.00				2,838.60	

Prepaid	Weight Charge	Collect	Other Charges
2,838.60			FSC: EUR 285.00 AWA: EUR 30.00 MOC: EUR 30.00 SCC: EUR 171.00
	Valuation Charge		
	Tax		
Total Other Charges Due Agent			Shopper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations
30.00			
Total Other Charges Due Carrier			
486.00			
Total Prepaid			JAS FORWARDERLIK LTD.STI.
3,354.60			Signature of Shipper or his Agent
Total Collect			
Currency Conversion Rates			11/09/2007
Charges in Local Currency			ISTANBUL
Charges in US Dollars			SAFAK AYDIN
Total US Dollar Charges			Executed on date at place
For Carrier's Use only at Destination			WI 724-6090-8433-WO
Signature of Issuing Carrier or its Agent			

ORIGINAL 3 (FOR SHIPPER)

P. Service

Hazvi St., 153/3b
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: +(972)864-21322

INVOICE Nº 1141NC01

CONTRACT/ORDER: Nº 952
ORDER DATE: 11/10/2006
PRODUCT: **NIC-OUT CIGARETTE HOLDER**
QUANTITY: 30 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc. USA
3411 Irwin avenue, Suite 6F, Bronx, NY 10463
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 20/10/2006
SHIPPING TERMS: **CIF USA**
SHIP VIA: **AIR**
WHOLESALE PRICE: **\$13,392.00**

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
30 master-cases (21,600.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$13,392.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000110

P. Service

Mazvi St., 155/30
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: + (972)864-21322

INVOICE № 1042NC01

CONTRACT/ORDER: № 744
ORDER DATE: 13/07/2006
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 20 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc. USA
3411 Irwin avenue, Suite 6F, Bronx, NY 10463
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 17/07/2006
SHIPPING TERMS: CIF USA
SHIP VIA: AIR
WHOLESALE PRICE: \$8,928.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
20 master-cases (14,400.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$8,,928.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000116

P. Service

Hazvi St., 153/30
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: +(972)864-21322

INVOICE № 1012NC01

CONTRACT/ORDER: № 714
ORDER DATE: 3/05/2006
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 20 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc. USA
3411 Irwin avenue, Suite 6F, Bronx, NY 10463
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 22/05/2006 (AWB 724-51614404)
SHIPPING TERMS: CIF USA
SHIP VIA: AIR
WHOLESALE PRICE: \$8,928.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
20 master-cases (14,400.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$8,928.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	ISRAEL
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000117

INVOICE N° 1172NC01

CONTRACT/ORDER: **N° 983**
ORDER DATE: **07/11/2006**
PRODUCT: **NIC-OUT CIGARETTE HOLDER**
QUANTITY: **30 master-case**
SHIP TO: **Safety Aid Supplies, Inc.**
ADDRESS: **Safety Aid Supplies, Inc. USA**
3411 Irwin avenue, Suite 6F, Bronx, NY 10463
PHONE: **++(1)6462613366**
FAX: **++(1)7185434587**
BEGIN SHIP DATE: **17/11/2006**
SHIPPING TERMS: **CIF USA**
SHIP VIA: **AIR**
WHOLESALE PRICE: **\$13,392.00**

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
30 master-cases (21,600.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$13,,392.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000118

P. Service

HAZVI ST., 153/36
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: + (972) 864-21322

INVOICE № 1112NC01

CONTRACT/ORDER: № 921
ORDER DATE: 29/08/2006
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 20 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc. USA
3411 Irwin avenue, Suite 6F, Bronx, NY 10463
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 7/09/2006
SHIPPING TERMS: CIF USA
SHIP VIA: AIR
WHOLESALE PRICE: \$8,928.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
20 master-cases (14,400.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.62	\$8,928.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000119

724-5388 4283

724-5388 4283

ATAS TURKISH MALLARI ITRİYAT
PAZ. SAN. VE TIC. LTD STI
CUMHURİYET CAD.SEHIT ER CENGİZ
KARCIOĞLU NO:3 KAT:2 KAVACIK
İSTANBUL

SWISS AIR

SAFETY AID SUPPLIES INC.

4611 12.TE AVENUE 60
BROOKLYN 11219 NEW YORK USA
(FOR P-SERVICE)

JAS FORWARDERLIK LTD.STI.
İSTANBUL

FREIGHT PREPAID

06/12/310/01405

SS-4-7154-0010

ATATURK AIRPORT

NYC SWISS AIR

EUR PP X X

N.V.D.

N.V.G.

NEW YORK

LX 1805-30/12/06

XXX

20 530.00 K Q

530.00

2.43

1,319.70

DIMS: 20/38x47x56

CIGARETTE FILTERS

20 530.00

1,319.70

1,319.70

PSC: EUR

132.50

AWA: EUR

30.00

NOC: EUR

30.00

SCC: EUR

79.50

30.00

242.00

000120

JAS FORWARDERLIK LTD.STI.

1,591.70

30/12/2006

İSTANBUL

FUAT KARASU

P. Service

HAZVI ST., 153/36
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: +(972)864-21322

INVOICE № 1193 NC01

CONTRACT/ORDER: № 1112
ORDER DATE: 25/12/2006
PRODUCT: NIC-OUT CIGARETTE HOLDER
QUANTITY: 70 master-case
SHIP TO: Safety Aid Supplies, Inc.
ADDRESS: Safety Aid Supplies, Inc.
3411 Irwin Avenue, Suite 6F, Bronx,
NY 10463-3749
USA
PHONE: ++(1)6462613366
FAX: ++(1)7185434587
BEGIN SHIP DATE: 29/12/2006
SHIPPING TERMS: CIF USA
SHIP VIA: The Ship
WHOLESALE PRICE: \$26,712.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
70 master-cases (50,400.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.53	\$26,712.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	Turkey
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE



000121

INVOICE № 971NC01

CONTRACT/ORDER: **№ 404**
ORDER DATE: **31 January 2006**
PRODUCT: **NIC-OUT CIGARETTE FILTERS**
QUANTITY: **20 master-case**
SHIP TO: **Safety Aid Supplies, Inc.**
ADDRESS: **Safety Aid Supplies, Inc. USA**
3411 Irwin avenue, Suite 6F, Bronx, NY 10463
PHONE: **++(1)6462613366**
FAX: **++(1)7185434587**
BEGIN SHIP DATE: **6 February2006**
SHIPPING TERMS: **CIF USA**
SHIP VIA: **AIR**
WHOLESALE PRICE: **\$8,928.00**

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
20 master-cases (14,400.00 units)	CIGARETTE FILTERS "NIC-OUT"	\$0.62	\$8,928.00

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	ISRAEL
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Violetta Davidov
Executive Director
P. SERVICE





DOMAIN.COM
It all starts with a great domain!

VIEW CART

ACCOUNT LOGIN

WEBMAIL LOGIN

Whois

Whois Information For: **nic-out.com**

BEGIN WHOIS RECORD -----

The information in this whois database is provided for the sole purpose of assisting you in obtaining information about domain name registration records. This information is available "as is," and we do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (1) enable high volume, automated, electronic processes that stress or load this whois database system providing you this information; or (2) allow, enable, or otherwise support the transmission of mass, unsolicited, commercial advertising or solicitations via facsimile, electronic mail, or by telephone to entities other than your own existing customers. The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from this company. We reserve the right to modify these terms at any time. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. Please limit your queries to 10 per minute and one connection. If you have a legitimate purpose for whois information please contact our customer service department.

Domain Services Provided By:

admin.com, support@support.domain.com
<http://www.domain.com>

Registrant:

Alexander Slobidker
Ben-Yehuda 20/27
Beer-Sheva, Darom 84370
IL

Registrar: REGISTER

Domain Name: NIC-OUT.COM
Created on: 12-SEP-09
Expires on: 12-SEP-14
Last Updated on: 14-SEP-09

Administrative, Technical Contact:

Slobidker, Alexander slobidker@yaho.com
Ben-Yehuda 20/27
Beer-Sheva, Darom 84370
IL
+972-854-923401

Domain servers in listed order:

NS001.HOSTGATOR.COM
NS002.HOSTGATOR.COM

End of Whois Information

END WHOIS RECORD -----

Domain:



Enter the domain to be searched for and the colored letters

000_35

172 IST 4621 5072

Dear Mr. Leonit
Dear Mr. Kadim

172 IST 4621 5072

Shipper's Name and Address BURIA TICARET SAVASTI MARGUC KERI STBICILER SIT.PATHI AD.CEVIZ SK. NO:1/2 ISTANBUL TURKEY		Shipper's Account Number		Not Negotiable Air Waybill MARGOLUX HAVAYOLLARI Issued by HALKALI ASFALTI NO:9/A K:3 FLORYA-ISTANBUL	
Consignee's Name and Address SAFETY AID SUPPLIES INC AVE G BROKLYN NEWYORK 11219 U.S.A.		Consignee's Account Number		Copies 1, 2 and 3 of the Air Waybill are original and have the same validity It is agreed that the goods described herein are accepted in apparent good order and condition except as noted by carriage SUBJECT TO THE CONDITIONS OF CONTRACT ON THE REVERSE HEREOF. ALL GOODS MAY BE CARRIED BY ANY OTHER MEANS INCLUDING ROAD OR ANY OTHER CARRIER UNLESS SPECIFIC CONTRARY INSTRUCTIONS ARE GIVEN HEREON BY THE SHIPPER AND SHIPPER AGREES THAT THE SHIPMENT MAY BE CARRIED VIA INTERMEDIATE STOPPING PLACES WHICH THE CARRIER DEEMS APPROPRIATE. THE SHIPPER'S ATTENTION IS DRAWN TO THE NOTICE CONCERNING CARRIER'S LIMITATION OF LIABILITY. Shipper may increase such limitation of liability by insuring a higher value for carriage and paying a supplemental charge if required.	
Issuing Office's Agent Name and City EKINSPED		Agent's Name and City PRINSPED		Amount of Insurance XXX	
Airport of Departure (Addr. of First Carrier and First Carrier) ATAJURE AIRPORT LUX CARGOLUX		Airport of Destination NEW YORK		Reference Number N.V.D.	
No. of Pieces 20		Gross Weight 360		Declared Value for Carriage N.V.D.	
Rate Class K O		Charges 4.27		Declared Value for Customs N.C.V.	
Total 2,391.2		Total 2,391.2		Nature and Quantity of Goods CIGARETTE FILTERS	
Prepaid 2,391.2		Collect AWA 40		Total 2,391.2	
Tax MOC 40		Other Charges SCC 84		Total FSC 56	
Total Other Charges Due Agent 40		Total Other Charges Due Carrier 180		Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described by name and is in proper condition for carriage by air according to the applicable Dangerous Goods Regulations.	
Total Prepaid 2,611.2		Total Collect 0		Signature of the Agent EKINSPED PRINSPED UUSLARARASI NAKLIYAT VE TIC. LTD. STI.	



YOUR FAMILY COAT OF ARMS

FREE SEARCH!

LAST NAME

GO!

- Mail
- Addresses
- Calendar
- Contacts

nic_out@yahoo.com [Sign Out]

Check Mail

Compose

Mail Upgrades - Search Mail - Mail Options

Folders [Add]

Previous | Next | Back to Messages

Printable View - Full Headers

- Inbox (2)
- Draft
- Sent
- Bulk (1)
[Empty]
- Trash
[Empty]

- Delete
- Reply
- Reply All
- Forward
- as attachment
- Move to folder...
- OK

This message is not flagged. [Flag Message - Mark as Unread]

Date: Mon, 16 Sep 2002 09:06:01 -0700 (PDT)

From: "NSC" <cabali_nm@yahoo.com> | This is Spam | Add to Address Book

Subject: N.Maslov -- BAR CODE

To: "Victor Davydov" <nic_out@yahoo.com>

SEE ATTACHMENT, PLEASE.

=====

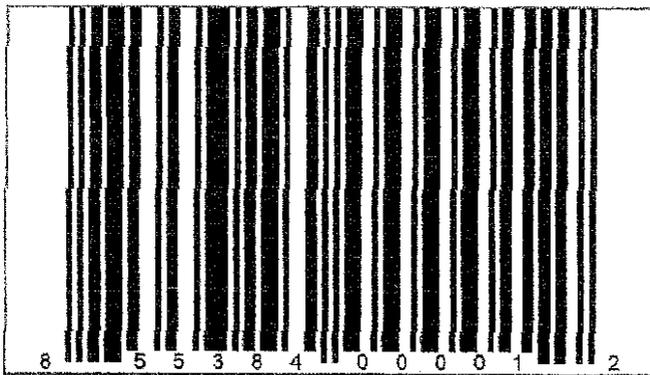
With best regards,
 Nikolai Maslov
 Tel: 1-718-796-4820
 Fax: 1-718-543-4587
 Please, confirm your receipt of this message.

Do you Yahoo!?
 Yahoo! News - Today's headlines
<http://news.yahoo.com>

- Free Credit Report
- Find Old Friends
- Free instant fax number for Y! Mail
- Sell a Home For Top \$

000155

Attachment



- [Scan for Viruses](#)
- [Save to my Yahoo! Photos](#)
- [Download Without Scan](#)

1_Pack_Nic_Out_Bar_Code_jpg300.jpg
 .jpg file, 1281x1, 106k

Safety Aid Supplies Inc.

3411 Irwin Avenue, Suite 6F, Bronx, New York, NY 10463 USA
Tel: (646) 261-3366 Fax: 718-543-4587 E-mail: abali_nm@yahoo.com

ATTN.: Mr. Victor Yukhananov
Director of «P. SERVICE»
Tel/Fax: 011-972-8-61-094-55
nic_out@yahoo.com

15 сентября 2002 г.

Дорогой Виктор,

21-24 сентября в Нью-Йорке состоится выставка потребительских товаров (Variety Merchandise Show), в которой принимают участие производители почти из всех стран мира и оптовые заказчики Соединенных Штатов. Я закупил выставочный павильон и принимаю участие в этой выставке, надеюсь заключить дополнительные договоры на поставку нашей продукции в США.

К открытию выставки, не позднее вечера четверга, 19 сентября мне необходимо получить максимально возможное количество из имеющихся остатков мастер-кейсов с фильтрами (без изменений в упаковке).

Согласно нашей предварительной договоренности, прошу внести следующие изменения в оформление пачек сигаретных фильтров «NIC-OUT»:

1. Убрать надпись: **PROJECT OF P. SERVICE. ISRAEL**
2. Указать имя производителя (**Made in Turkey**) на упаковке блока из 20 пачек.
3. Новая версия главной рекламной фразы: **LOW TAR & NICOTINE – MORE TASTE**
4. Изменить сведения об импортере продукта (убрав телефон), где теперь должно писаться:
IMPORTER: Safety Aid Supplies, Inc. New York, USA www.nicout.com
5. Заменить на упаковке пачек и блоков европейский штрих-код на американский (его изображение помещено в приложении к данному сообщению).
6. Рекламные надписи на упаковке индивидуальных пачек и блоков фильтров должны быть выполнены параллельно на английском и испанском языках.

Предлагаю произвести срочную авиационную отправку небольшой партии сигаретных фильтров для использования на выставке, а затем, по мере готовности, отправить также по воздуху 50 мастер-кейсов, то есть 36,000 пачек (36 блоков по 20 пачек в каждом). Исходя из вышеизложенного, прошу сообщить, сколько всего денег я должен перевести за эти две операции на Ваш счет в Израиле.

Уточняю банковские реквизиты:

Company: «P.SERVICE». Address: ABRAHAM NAPO 10.3 BEER-SHEVA, ISRAEL.

Bank: LEUMI Branch: 922 Acct.: 013872/68 Bank Address: MERKAZ HANEDEV 54, BEER-SHEVA, ISRAEL.

SWIFT: LUMI – ILI TTLV Bank telephone: 972-8-640-5321

Отгрузочные документы следует оформлять на компанию:

Safety Aid Supplies, Inc. Address: 3411 Irwin Avenue, Suite 6F, Bronx, New York, NY 10463 USA

Tel: 646-261-3366. Fax: 718-543-4587. Имя получателя груза: N. Maslov, Director

Прошу отправить в мой адрес все виды рекламной и вспомогательной печатной продукции, имеющиеся в Вашем распоряжении, для использования в оформлении выставочного павильона.

Надеюсь, что в дальнейшем удастся отпечатать красочный рекламный планшет (размером A2) с крупным изображением фильтра и текстом на английском языке - с одной стороны и на испанском языке - с другой стороны. (Текст – в приложении к данному сообщению.) Тираж – приблизительно, по одному планшету на каждые пять блоков фильтров.

С наилучшими пожеланиями,

Н. Маслов.

Safety Aid Supplies, Inc.

3411 Irwin avenue, Suite 6F, Bronx, NY 10463 USA

Tel: (646)261-3366, Fax: 718-543-4587 E-mail:abali_nm@yahoo.com

ATTN:Mr.Victor Yukhananov
Director of "P.Service "
Tel/fax: 011972-861-094-55

15 September 2002

Dear Victor,

At 21-24 sep 2002 in New York will take a place an exhibition of consumer products (Variety Merchandise Show).There are many different manufactures taking part in this exhibition, from all over the world, and the American wholesalers also.

I am also taking part in this exhibition that for I have been rented pavilion there. I hope to make a new additional deals with American wholesalers of "Nic-Out" distribution.

To beginning of exhibition, not later than 19sep Thursday evening need to get a maximally amount of filters master-boxes were left at your stock (without any box changes).

According to our agreement ,asking you to make a changes in graphic design of "Nic-Out" pack .

- 1.To delete a title Project of P.Service Israel
- 2.On 20 pack box should be shown a manufacture name(made in Turkey)
- 3.A new version of advertising phrase LOW TAR & NICOTIN-MORE TASTE
- 4.To change an importer details to delete a telephone number, should be written:
IMPORTER: Safety Aid Supplies ,Inc New York USA www.nicout.com
- 5.An europeanian code on pack and boxes should be changed to American one (see in attachments)
- 6.An advertising text on packs and boxes should be parallel in English and Spanish.

I am advising you to send a few amount of goods by air express for exhibition using, and then as required a master-boxes 50 units will be send by air-mail also, so it will be 36,000 packs at all(36 boxes with 20 packs in each one).According to that asking from you about how much money I should transfer to your account for this two deliveries.

Peace confirm again an account details:

Company:"P.SERVICE". Adress: Abraham Mapo 10/3 Beer-Sheva. Israel.

Bank:LEUMI Branch :922 Acct: 01387/68 Bank address: MERKAZ HANEDEV 54, Beer-Sheva. Israel

SWIFT:LUMI-ILI TTLV Bank telefon:972-8-640-5321

Shipping documents should arrange for a company:

**Safety Aid Supplies, Inc. Adress: 3411 Irwin avenue, Suite 6F,
Bronx, NY 10463 USA**

Tel: 6462613366

Fax: 7185434587

The name of the the consignee N. Maslov, Director

Also if You have any advertising brochures or maybe flyers it will help me to arrange my pavilion.

I hope that in near future I 'll can make a big colour planchet (size A2) with a big filter picture and advertising text in English and in Spanish at another side(see on attachment).A distribution amount about one planchet on every 5 filter blocks.

With Best Regards
N. Maslov

00020

AGREEMENT

27-11-2002

ATAS /Istanbul and P/Service /Israel have concluded following contract as follows :

ATAS agrees to produce for P-Service min. 500 coliboxes of NIC-OUT Cigarette Filters every year. The brandname Nic-Out belongs to P-Service. ATAS may not sell Nic-Out Filters without permission of P-Service and other filters to U.S.A, Canada, Ukrain, Bellarus and S.N.G. Countries.

The quality of goods should correspond to the presented sample. ATAS has to produce the same good quality always like the sample.

ATAS TÜKETİM

Kavacak Mah. Percemli Kız Sk. 78

Kavacak –Istanbul

P-SERVICE

Hazvi 153 /36

Beer-Sheva /ISRAEL

P. SERVICE

AVRAHAM MAPO 1013

BEER-SHEV ISRAEL

Fax 972-7-642132

052-752697

atas
Tüketim Malları İhracat
Pazarlama San. ve Tic. Ltd. Şti.

P. Service

INVOICE № 1653NC02

CONTRACT/ORDER: **№ 764**
ORDER DATE: **05/28/2007**
PRODUCT: **NIC-OUT CIGARETTE HOLDERS**
QUANTITY: **21 master-case(MC)**
SHIP TO: **Product Source International LLC**
ADDRESS: **Product Source International LLC**
13 Coleman Rd. Berlin, NJ, 08009, USA
PHONE: **Tel: (856) 753-8127**
FAX: **Fax: (856) 753-3713**
BEGIN SHIP DATE: **05/29/2007**
SHIPPING TERMS: **CIF Philadelphia, USA**
SHIP VIA: **AIR**
WHOLESALE PRICE: **\$13,154.40**

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
720 (PER "MC") x 21 MC = (15,120.00 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.87	13,154.40

PRICE BASE:	CIF Philadelphia, USA
COUNTRY OF ORIGIN:	ISRAEL
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 8 days from order date
PAYMENT TERMS:	Bank Transfer of funds Bank: LEUMI. 922 MERKAZ HANEDEV 54 BEER-SHEVA. ISRAEL Account: 013872/68 "P.SERVICE" Swift code : LUMI-ILI TTLV
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Nahshin Leonid
Executive Director
P. SERVICE



Hazvi st., 153/36
Beer-Sheva, Israel
www.nic-out.com
info@nic-out.com
Tel/Fax: +(972)864-21322

000207

P. Service

INVOICE № 1668NC04

CONTRACT/ORDER: № 773
ORDER DATE: 11/03/2007
PRODUCT: NIC-OUT CIGARETTE HOLDERS
QUANTITY: 50 master-case(MC)
SHIP TO: Product Source International LLC
ADDRESS: Product Source International LLC
13 Coleman Rd. Berlin, NJ, 08009, USA
PHONE: Tel: (856) 753-8127
FAX: Fax: (856) 753-3713
BEGIN SHIP DATE: 11/26/2007
SHIPPING TERMS: CIF Philadelphia, USA
SHIP VIA: AIR
WHOLESALE PRICE: \$29,520.00

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
720 (PER "MC") x 50 MC = (36,000 units)	CIGARETTE HOLDERS "NIC-OUT"	\$0.82	29,520.00

PRICE BASE:	CIF Philadelphia, USA
COUNTRY OF ORIGIN:	ISRAEL
HARMONIZED CODE:	9614908000 (Plastic Cigarette Holder with filtering insert)
PACKING:	Items are packed in the single packs, cartons, master-cases
LABELS:	English
SHIPMENT:	Within 21 days from order date
PAYMENT TERMS:	Bank Transfer of funds Bank: LEUMI. 922 MERKAZ HANEDEV 54 BEER-SHEVA. ISRAEL Account: 013872/68 "P.SERVICE" Swift code : LUMI-ILI TTLV
OTHER CONDITIONS:	Merchandise remains the property of P. Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

Nahshin Leonid
Executive Director
P. SERVICE



Hazvi st., 153/36
Beer-Sheva, Israel
www.nic-out.com
info@nic-out.com
Tel/Fax: +(972)864-21322

000200

MS Östen / MR Leonid

724 3681 5074

724 3681 5074

Shipper's Name and Address ATAS TUKETIM MALLARI I RIYAT PAZARLAMA SAN TIC LTD STI KAVACIK MAHALLESİ PER DEMLİKİZ SOKAK NO: 85 KAVACIK İSTANBUL TURKEY		Shipment Account Number _____		Not Negotiable Air Waybill Issued by _____																																																																																																										
Consignee's Name and Address SAFETY AND SUPPLIES II C 4811 12TH BROKLYN 112 9 NEWYORK USA 400		Consignee's Account Number _____		Copies 1, 2 and 3 of this Air Waybill are originals and have the same validity																																																																																																										
Issuing Carrier's Agent Name and City EKINSPED INTERNATIONAL TRANSPORT 88-4-7116-0013		Accounting Information FREIGHT PREPAID																																																																																																												
Agent's IATA Code ATATURK AIRPORT		Agent's No. _____		Reference Number _____																																																																																																										
Airport of Departure (Addr. of First Carrier) and Its IATA Code ZNY NEW YORK		Routing _____		Optional Sleeping Information _____																																																																																																										
From ZNY By CROSS AIR To _____ By _____ To _____		Commodity Code 0500		Declared Value for Carriage NCV																																																																																																										
Amount of Insurance LX 1005 / 25 LX 10 / 27		Declared Value for Customs _____		INFORMATION - If carrier offers insurance and such insurance is requested in accordance with the conditions hereof, it shall be subject to the amount of insurance figure in box number 10.																																																																																																										
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<table border="1"> <thead> <tr> <th>No. of Pieces (Gross)</th> <th>Gross Weight (kg)</th> <th>Rate Class (Domestic)</th> <th>Chargeable Weight</th> <th>Rate</th> <th>Total</th> <th>Nature and Quantity of Goods (incl. Dimensions or Volume)</th> </tr> </thead> <tbody> <tr> <td>20</td> <td>520</td> <td>R Q</td> <td>520</td> <td>2,5</td> <td>1300</td> <td>CIGARETTE FILTERS</td> </tr> <tr> <td>20</td> <td>520</td> <td></td> <td></td> <td></td> <td>1300</td> <td></td> </tr> <tr> <td colspan="2">Prepaid</td> <td colspan="2">Collect</td> <td colspan="2">Other Charges</td> <td></td> </tr> <tr> <td colspan="2">1300</td> <td colspan="2"></td> <td colspan="2">AWA: 40 FSC: 104</td> <td></td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2">MOC: 40 SCC: 104</td> <td></td> </tr> <tr> <td colspan="2">40.00</td> <td colspan="2"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">248.00</td> <td colspan="2"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">1588.00</td> <td colspan="2"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">Total Other Charges Due Agent</td> <td colspan="2"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">Total Other Charges Due Carrier</td> <td colspan="2"></td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">Total Prepaid</td> <td colspan="2">Total Collect</td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">Currency Conversion Rates</td> <td colspan="2">CG Charges in Local Currency</td> <td colspan="2"></td> <td></td> </tr> <tr> <td colspan="2">For Carrier's Use only at Destination</td> <td colspan="2">City of Destination</td> <td colspan="2">Executed on (date)</td> <td></td> </tr> <tr> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2">Total collect Charges</td> <td></td> </tr> </tbody> </table>						No. of Pieces (Gross)	Gross Weight (kg)	Rate Class (Domestic)	Chargeable Weight	Rate	Total	Nature and Quantity of Goods (incl. Dimensions or Volume)	20	520	R Q	520	2,5	1300	CIGARETTE FILTERS	20	520				1300		Prepaid		Collect		Other Charges			1300				AWA: 40 FSC: 104							MOC: 40 SCC: 104			40.00							248.00							1588.00							Total Other Charges Due Agent							Total Other Charges Due Carrier							Total Prepaid		Total Collect					Currency Conversion Rates		CG Charges in Local Currency					For Carrier's Use only at Destination		City of Destination		Executed on (date)							Total collect Charges		
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EKINSPED INT'L TRANSPORT

25/04/03 İSTANBUL

Shipper certifies that the particulars on the face hereof are correct and that insofar as any part of the consignment contains dangerous goods, such part is properly described and is in conformity with the conditions for carriage by air according to the applicable Dangerous Goods Regulations.

EKINSPED

ATAS TUKETIM MALLARI I RIYAT PAZARLAMA SAN TIC LTD. STI

Signature of Issuing Carrier or its Agent

P. Service

Hazvi st., 153/36
Beer-Sheva, Israel
www.nic-out.com
sales@nic-out.com

Tel/Fax: +(972)864-21322

INVOICE N° 804NC05

CONTRACT/ORDER: N° 404
ORDER DATE: 19/09/ 2005
PRODUCT: **NIC-OUT CIGARETTE FILTERS**
QUANTITY: **100 master-case**
SHIP TO: Safety Aid Supplies, Inc. USA

ADDRESS: Safety Aid Supplies, Inc. USA
4611 12 Avenue, Suite 6G Brooklin, NY 11219

PHONE: -

++(1)6462613366

++(1)7185434587

FAX: --

BEGIN SHIP DATE: 19/09/ 2005
SHIPPING TERMS: **CIF USA**
SHIP VIA: **AIR**
WHOLESALE PRICE: **\$38880**

QUANTITY/UNITS TRANSPORTATION	DESCRIPTION	UNIT PRICE US\$	TOTAL US\$
Total: 100 master-kase 72000 unit	CIGARETTE FILTERS "NIC-OUT"	\$0.54	\$38880

PRICE BASE:	CIF USA
COUNTRY OF ORIGIN:	ISRAEL
HARMONIZED CODE:	392690990
PACKING:	Items are packed in the single packs, cartons, master-case
LABELS:	English
SHIPMENT:	Within 5 days from order date
PAYMENT TERMS:	Bank Transfer of funds
OTHER CONDITIONS:	Merchandise remains the property of P.Service until this invoice is paid in full.
RETURNS:	Claims required within 10 days. No returns accepted or credit issued without previous written consent.

P. Service
Davidov Violetyts
Executive Director



800107

Для
Зураба
Рамаишвили

Договор о совместной деятельности

15-03-2002

Компания <<P.Service>>, именуемая в дальнейшем <<Предприятие>>, в лице Директора В.Давыдова, действующего на основании устава, с одной стороны, и компания <<New Shore Corp.>>, именуемая в дальнейшем <<Партнёр>>, в лице Президента Н.Д. Маслова, действующего на основании устава, с другой стороны, именуемые в дальнейшем <<Стороны>>, заключили настоящий договор о нижеследующем.

1. Предмет договора

1.1. <<Предприятие>> и <<Партнёр>> обязуются соединить свои усилия и совместно действовать без образования юридического лица с целью извлечения прибыли, путём осуществления продажи в Северной Америке товара, производимого на основании технологических разработок и лицензий компании <<P.SERVICE>>

1.2. Стороны обязуются внести следующие вклады в совместную деятельность

1.2.1. Вкладом <<Предприятия>> является:

а) уникальное ноу-хау;

б) производственные мощности;

в) сырьё и труд.

1.2.2. Вкладом <<Партнёра>> является:

а) уникальная система маркетинга и массовой продажи продукции;

б) компьютеризованная система учета физической развозки товара и базы данных;

в) электронная платформа, сервер, сайт для оптовой и розничной торговли через Интернет.

2. Управление и ведение общих дел

2.1. Управление общими делами по совместной деятельности и ведение общих дел осуществляется <<Предприятием>>.

2.2. В отношениях с третьими лицами полномочие <<Партнёра>> совершать сделки от имени сторон удостоверяется доверенностью, выданной <<Предприятием>>.

2.3. Ведение бухгалтерского учета по совместной деятельности сторон осуществляется <<Предприятием>>.

2.4. Каждая сторона независимо от того, уполномочена ли она вести общие дела, вправе знакомиться со своей документацией по ведению дел, а также получать любую другую информацию по совместной деятельности.

3. Общее имущество сторон

3.1. Внесенное сторонами имущество, которым они обладали на праве Собственности, а также произведенная в результате совместной деятельности Продукция и полученные от такой деятельности плоды и доходы признаются их общей долевой собственностью, если иное не установлено настоящим договором и законом.

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3.2. Внесенное сторонами имущество, которым они обладали по основаниям, отличным от права собственности, используется в интересах сторон и составляет наряду с имуществом, находящимся в их общей собственности, общее имущество.

3.3. Пользование общим имуществом сторон осуществляется по их общему согласию, а при недостижении согласия – в порядке, устанавливаемом судом.

3.4. Обязанности сторон по содержанию общего имущества и порядок возмещения расходов, связанных с выполнением этих обязанностей сторонами, распределяются пропорционально сделанным вкладам сторон в совместную деятельность.

3.5. Доли сторон в общей долевой собственности на момент подписания Настоящего договора считаются равными.

4. Распределение прибыли

4.1. Распределение полученной от совместной деятельности прибыли производится ежемесячно, но не позднее последнего рабочего дня месяца.

4.2. Прибыль, полученная сторонами в результате их совместной деятельности, распределится между сторонами в соотношении: 66,6% - <<Предприятию>> и 33,3% - <<Партнёру>>. 4

4.3. Вся полученная от совместной деятельности прибыль подлежит распределению между сторонами в порядке, установленном настоящим разделом, если иное не согласовано сторонами дополнительно.

4.4. Оплату стоимости груза (по цене SIF Нью-Йорк), производит <<Партнёр>> в течении 20 календарных дней, со дня получения груза.

«День получения» - дата прибытия груза, в указанный <<Партнёром>> порт. Форма оплаты: перевод на счет <<Предприятия>>

4.5. Решение о месте отправления груза принимает <<Предприятие>>. Возможными пунктами отправки являются:

А) Страна, на предприятии которой размещён заказ на производства Фильтров (<<NIC-OUT>>);

Б) Порт Израиля.

5. Выход из товарищества

5.1. Сторона желающая прекратить настоящий договор, должна заявить об этом другой стороне не позднее чем за 3 месяца до предполагаемого выхода из договора. Заявление должно быть сделано в письменной форме.

5.2. В течение 3 месяцев с момента поступления о выходе из договора стороны должны произвести раздел имущества, являющегося общей долевой собственностью.

6. Порядок отчуждения долей

6.1. Стороны вправе свободно распоряжаться принадлежащими им долями в общей долевой собственности при условии соблюдения права преимущественной покупки другой стороной такой доли.

6.2. Порядок использования преимущественного права покупки доли определяется в соответствии с действующим законодательством.

7. Срок действия договора

7.1. Настоящий договор вступает в силу с момента подписания его сторонами и носит бессрочный характер.

7.2. Основание и порядок прекращения настоящего договора определяются действующим законодательством Израиля.
7.3. Все изменения и дополнения к настоящему договору должны быть сделаны в письменной форме и подписаны сторонами.

8. Заключительные положения.

8.1. Во всем ином, не урегулированном в настоящем договоре, стороны будут руководствоваться положениями действующего гражданского законодательства Израиля и США.
8.2. Договор составлен в 2 экземплярах – по экземпляру для каждой стороны.

8.3. Все приложения к настоящему договору являются его неотъемлемой частью.

8.4. Все споры по настоящему договору и вытекающие из него подлежат рассмотрению в Арбитражном суде Израиля.

9. Адреса, банковские реквизиты и подписи сторон.

9.1. Предприятие << P. Service >>

Адрес компании: ABRAHAM NAPO 10.3
BEER-SHEVA, ISRAEL

Банк: LEUMI

Отделение: 922

Расчетный счет: 013872/68

Адрес банка: MERKAZ HANEGEV 54
BEER-SHEVA, ISRAEL

СВИФТ: LUMI-IL TT LV

Телефон банка: ++972 - 8 - 6405321

9.2. << Партнер >> : << NEW SHORE CORP. >>

Адрес компании: 3411 IRWIN AVENUE, SUITE 6F, BRONX,
NEW-YORK, NY 10463 USA

Банк: << J. P. MORGAN CHASE >>

Расчетный счет: 673301161265 << NEW SHORE CORP. >>

Адрес банка: BRANCH # 673, 475 WEST, 23 STREET,
NEW-YORK, NY 10011
ABA # 021000021

Телефон банка: 1-212-935-9935

За << Предприятие >>
В. Давыдов



За << Партнера >>
Н. Маслов

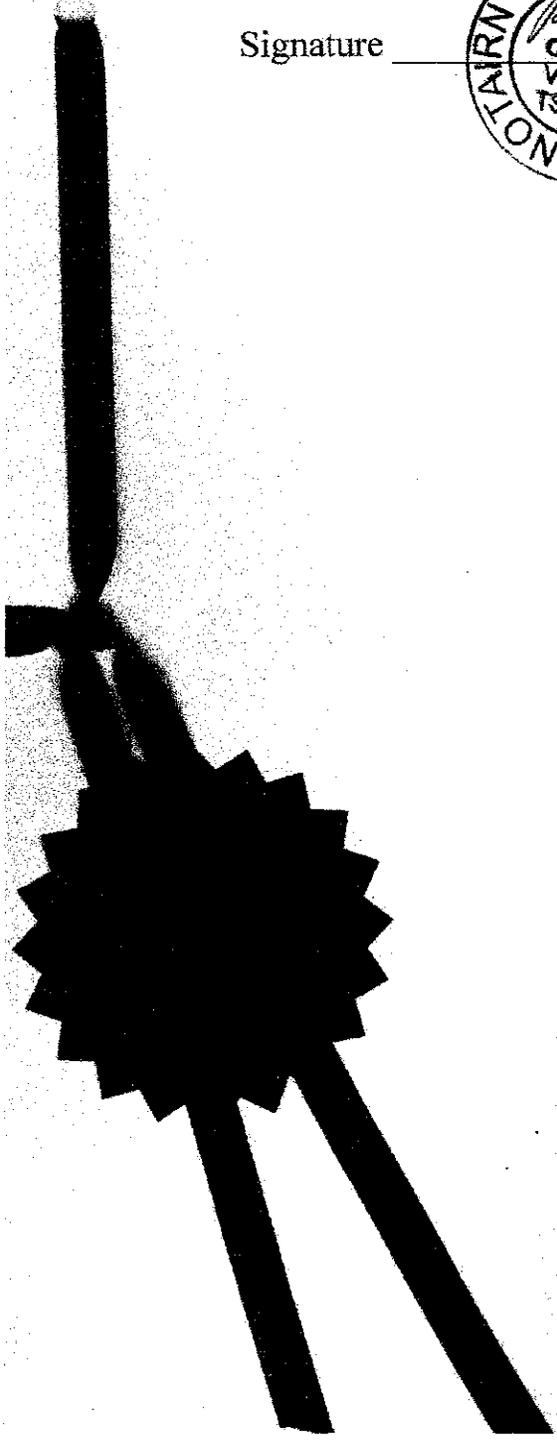


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AUTHENTICATION of SIGNATURE

I, the undersigned, Tsipris Victor, Notary at Beer-Sheva, hereby certify that on Mr. Greenberg Anatoly known to me personally/whose identity was proved to me by Identity Booklet 307761189 issued by the Ministry of the Interior in Beer-Sheva on 10.06.1996 signed on her free will the attached document "A" by my own signature and seal today, on 7/12/2010.

Signature _____



Newspaper "INFO"

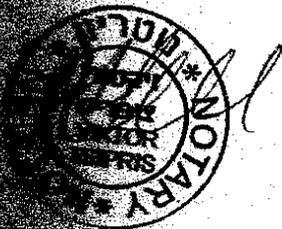
Translations Department

Tel. 08-6274310 Fax 08-6274310 Cell. 052-8414123

AFIDAVIT

I, the undersigned, **Greenberg Anatoly**, born on 18.01.1980, ID Card No. **97761159**, issued by the Ministry of Interior in Beer-Sheva on 10.06.1996, living in Israel, 21 **Koblenky St.**, after having been warned to say the truth and I will be liable to the punishment stated by law, declare that I am proficient in **Russian and English** languages and that the hereby document is the true translation to the **English** language from the original of Russian document.

AGD
Greenberg Anatoly



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15-03-2002

Company "P.Service" , hereinafter referred to as "Enterprise", in the person of representative V.Davidov, acting on the basis of the statute, on the one hand, and company "New Shore Corp.", hereinafter referred to as "Partner", represented by president N.D. Maslov, acting under the statute, on the other hand, hereinafter referred to as the "Parties" have concluded the following agreement.

1. Subject of a contract

1.1 "Enterprise" and "Partner" are obliged to unite their efforts and work together without a legal entity in order to profit by the sale in North America the goods, produced on the basis of technology development and licensing by company "P. Service".

1.2 The Parties undertake to make the following contributions to joint activities

1.2.1 Contribution of " Enterprise " is:

- a) unique know-how;
- b) production capacity;
- c) raw materials and labor

1.2.2 Contribution of "Partner" is:

- a) unique system of marketing and sales of mass production
- b) computerized accounting system of physical conveying goods and databases
- c) electronic platform, the server, the site for wholesale and retail trade via the Internet

2. Administration and management of common affairs

2.1 Management of the common affairs of the joint activities and the general affairs exercised by "Enterprise"

2.2 In relations with third parties the authority of "Partner" to make transactions on behalf of the "Parties" must be only by authorization issued by the "Enterprise "

2.3 Business Accounting for joint activities by the "Parties" exercised by "Enterprise"

2.4 Each party, regardless of whether it is authorized to conduct the common affairs, has the right to get acquainted with full

documentation for the conduct of affairs and to receive any further information on joint activities.

3. Mutual property of the parties

- 3.1 Properties, made by the parties, which they hold titles to, produced as a result of joint activities, products derived from such activities and revenues are recognized as their mutual property, unless otherwise stipulated in this agreement and by the law.**
- 3.2 Property contributed by the parties, which they possessed on the grounds other than ownership, is used for the benefit of the parties and is in addition to the property in their public property becomes mutual property.**
- 3.3 Use of the mutual property of the parties is carried out by their common consent, and if no agreement is reached - in the manner prescribed by the court.**
- 3.4 Obligations of the parties under the maintenance of common property and the reimbursement of fees associated with the discharge of these duties the parties in proportion to the contribution, made by the parties to work together.**
- 3.5 Shares of the parties to the common property at the time of signing of this agreement are considered equal.**

4. Distribution of profits

- 4.1 Distribution received from joint profit is made on a monthly basis, but not later than the last working day of the month.**
- 4.2 Profits derived by the parties as a result of their joint activity shall be distributed among the parties in proportion: 66.6% to "Enterprise" and 33.3% to the "Partner"**
- 4.3 All profits derived by the parties as a result of their joint activity shall be distributed among the parties in order that this section determines, except cases agreed between the parties in addition.**
- 4.4 The payment cost of goods (CIF New York price) shall be done by "partner" within 20 days from receive the goods. "The receiving day" is the day of goods has arrived to a port declared by "Partner".
Form of payment : money transfer to "Enterprise" account.**
- 4.5 Decision on the place of origin of the goods is exercised by "Enterprise"**
Possible points to send are:

a) The country in which the company placed an order for production of filters "Nic-Out"

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b)Port of Israel

5. Withdraw from a partnership

5.1 A party wishing to terminate this contract, must announce to the other party not later than 3 months before the intended withdrawal from the treaty. The application must be made in writing.

5.2 Within 3 months from the date of receipt of withdrawal from the contract ,the parties should make a section of property that is common property.

6.Procedure for disposal of shares

6.1Parties eligible to freely dispose of their shares in the common property, in subject to pre-emption by the other party to buy the part.

6.2 The order of pre-emptive right to purchase a share, determined in accordance with applicable law.

7.Term of contract

7.1 This Agreement shall come into force upon signature by the parties, and is of unlimited duration.

7.2 Grounds and procedure for termination of this contract shall be determined by applicable laws of Israel.

7.3 All changes and additions to this Agreement must be made in writing and signed by the parties.

8. Final terms.

8.1 In other cases not regulated in this contract, the parties will be guided by the provisions of the existing civil laws of Israel and the U.S.

8.2 Agreement is executed in 2 copies - a copy for each party.

8.3 All applications for this contract are an inseparable part of its.

8.4 All disputes under this Agreement and coming there from ,shall be referred to the Arbitration Court of Israel.

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9. Address, bank details and signatures

9.1 "P. Service" company

**Company Address: ABRAHAM MAPO 10/3
BEER-SHEVA, ISRAEL**

Bank: LEUMI

BRANCH: 922

Account: 013872/68

**Bank Address: MARKAZ HANEDEV 54
Beer-Sheva, Israel**

SWIFT: LUMI-ILI TTLV

Bank phone: ++972 8 6405321

9.2 "Partner" " New Shore Corp "

Company Address: 3411 IRVIN AVENUE, SUITE 6F, BRONKS

Bank: "J.P.MORGAN CHASE"

Account: 673501161265 " New Shore Corp "

Bank Address: BRANCH# 673, 475 WEST, 23 STREET.

NEW-YORK, NY 10011

ABA #02100021

Bank phone: 1-212-935-9935

**"Enterprise",
in the person of V. Davidov**

**"Partner", represented by president
N.D. Maslov,**

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