

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

In the Matter of Application Serial No, 78/095,659  
Filed: November 30, 2001  
For the mark: SQRAT  
Published in the *Official Gazette*, December 17, 2002

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FOX ENTERTAINMENT GROUP, INC. )  
and TWENTIETH CENTURY FOX FILM )  
CORPORATION )

**Consolidated Opposition**

Opposer, )

**Opposition No. 91156138**

**Parent No.: 91,156005**

- against - )

**Child No.: 91,156138**

IVY SILBERSTEIN, )

Applicant. )

**APPLICANT'S RESPONSES AND OBJECTIONS TO  
OPPOSERS' CONSOLIDATED INTERROGATORIES**

Applicant Ivy Silberstein, by and through her undersigned counsel, hereby objects and responds to Opposers' Consolidated Interrogatories as follows:

**GENERAL STATEMENT AND OBJECTIONS**

Applicant refers to and incorporates herein the General Statement and General Objections from Applicant's Response to Opposers' Consolidated Document Requests.

**RESPONSES TO INTERROGATORIES**

1. Describe in detail the facts that tend to support, refute or evidence Applicant's contention that she had a bona fide intent to use the SQRAT mark in connection with each good identified in Application No. 78/096,063 on the filing date of said Application.



01-05-2010

U.S. Patent & Trademark Office

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

2. Describe in detail the facts that tend to support, refute or evidence Applicant's contention that she had a bona fide intent to use the SQRAT mark in connection with the Services identified in Application No. 78/095,659 on the filing date of said Application.

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

3. Describe in detail Applicant's reasons and basis for the creation, design, development, selection, and adoption of the Opposed Mark.

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

4. Identify each person with knowledge or information concerning Applicant's reasons and basis for the creation, design, development, selection, and adoption of the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

5. Describe in detail the origin, creation, consideration, design, development, selection, adoption, and proposed use of the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes

of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

6. Identify each person with knowledge or information concerning the origin, creation, consideration, design, development, selection, adoption, and proposed use of the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

7. State the date that Applicant first conceived of the Opposed Mark in connection with the Goods and Services.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

8. Describe in detail Applicant's efforts to use the SQRAT mark in connection with each good identified in Application No. 78/096,063.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

9. Describe in detail Applicant's efforts to use the SQRAT mark in connection with the Services identified in Application No. 78/095,659.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes

of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

10. Identify the persons most knowledgeable concerning Applicant's present use of or plans to use the Opposed Mark in connection with each good identified in Application No. 78/096,063.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

11. Identify the persons most knowledgeable concerning Applicant's present use of or plans to use the Opposed Mark in connection with the Services identified in Application No. 78/095,659.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

12. Identify the persons most knowledgeable concerning Applicant's marketing or planned marketing of the Opposed Mark in connection with each good identified in Application No. 78/096,063.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

13. Identify the persons most knowledgeable concerning Applicant's marketing or planned marketing of the Opposed Mark in connection with the Services identified in Application No. 78/095,659.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes

of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

14. Describe the manner in which Applicant uses, has used, or plans to use the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

15. Identify each use, former use, or claim of use by Applicant of the Opposed Mark.

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

16. State the amount of money Applicant has spent or plans to spend in connection with her use of the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

17. State separately the amount of money Applicant has spent or plans to spend for each type of advertising or promotion Applicant has made or intends to make for the Goods and Services sold under the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

18. Describe in detail the proposed or prospective use of the SQRAT mark in connection with each good identified in Application No. 78/096,063.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

19. Describe in detail the proposed or prospective use of the SQRAT mark in connection with the Services identified in Application No. 78/095,659.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

20. Describe in detail Applicant's business plans for her use of the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

21. Describe in detail Applicant's marketing, advertising or promotional plans for the distribution or sale of each of Opposer's Goods or Services under the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

22. Identify the persons most knowledgeable concerning Applicant's business plans for her use of the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

23. Identify the persons most knowledgeable concerning Applicant's marketing, advertising or promotional plans for the distribution or sale of each of Opposer's Goods or Services under the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

24. Describe in detail each label, sign, display, trade dress, wrapper, or packaging bearing the SQRAT mark which Applicant has used, intends to use, or considered using in connection the Goods identified in Application No. 78/096,063 during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

25. Describe in detail each label, sign, display, trade dress, wrapper, or packaging bearing the SQRAT mark which Applicant has used, intends to use, or considered using in connection with the Services identified in Application No. 78/095,659 during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

26. Representative specimens of Applicant's advertisements, promotional materials or other documents Applicant has used in the advertising or promotion or planned advertising or promotion of the Goods or Services in connection with the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

27. Identify the territorial areas in the United States where Applicant markets, intends to market or has marketed the Goods or Services in connection with the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

28. Describe in detail any efforts that Applicant made to license any of Applicant's Marks and any licenses or proposed licenses (including drafts thereof) entered into by Applicant for the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

29. Identify the persons most knowledgeable concerning any efforts that Applicant made to license any of Applicant's Marks and any licenses or proposed licenses (including drafts thereof) entered into by Applicant for the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes



of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

30. Describe in detail your attempts to market the Goods or Services in connection with the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

31. Identify the persons most knowledgeable concerning your attempts to market the Goods or Services in connection with the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

32. Describe in detail any agreements, discussions, negotiations or contact of any kind with person(s) or entities expressing any interest in licensing or acquiring in any way any rights in the Opposed Marks.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

33. Identify the persons most knowledgeable regarding any agreements, discussions, negotiations or contact of any kind with person(s) or entities expressing any interest in licensing or acquiring in any way any rights in the Opposed Marks.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes

of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

34. Identify each person who has inquired about purchasing any goods bearing the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

35. Identify each person to whom Applicant has sold any goods bearing the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

36. Identify each person to whom Applicant has licensed goods bearing the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

37. Identify each person who has inquired about licensing the Opposed Mark.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

38. State whether the Services identified in Application No. 78/095,659, have ever been rendered in United States regulated commerce by Applicant under the SQRAT mark subject to Application No. 78/095,659, during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

39. State whether the Goods identified in Application No. 78/096,063, have ever been rendered in United States regulated commerce by Applicant under the SQRAT mark subject to Application No. 78/096,063, during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

40. State whether the Services identified in Application No. 78/095,659, have ever been advertised in United States regulated commerce by Applicant under the SQRAT mark subject to Application No. 78/095,659, during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

41. State whether the Goods identified in Application No. 78/096,063, have ever been advertised in United States regulated commerce by Applicant under the SQRAT mark subject to Application No. 78/096,063, during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes

of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

42. State whether the Services identified in Application No. 78/095,659, have ever been promoted for sale in United States regulated commerce by Applicant under the SQRAT mark subject to Application No. 78/095,659, during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

43. State whether the Goods identified in Application No. 78/096,063, have ever been promoted for sale in United States regulated commerce by Applicant under the SQRAT mark subject to Application No. 78/096,063, during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

44. Describe in detail your experience with the production of motion picture films featuring animation during the time frame beginning five years preceding the filing date of Application No. 78/096,063 to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

45. Describe in detail your experience, knowledge, skill or know-how with the marketing, advertising, offering, selling, rendering and distributing of each good identified in Application No. 78/096,063 during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

46. Describe in detail your experience, knowledge, skill or know-how with the merchandising of movies and television programs beginning five years preceding the filing date of Application No. 78/095,659 to present.

**Response:** Applicant objects to this request because it seeks documents or information which are neither relevant to any properly asserted causes of action in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

47. Describe in detail your experience, knowledge, skill or know-how with the marketing, advertising, offering, selling, rendering and distributing of the Services identified in Application No. 78/095,659 during the time frame beginning five years preceding the filing date of said Application to present.

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

48. State the date when you first learned about Fox's full-length animated film titled "Ice Age."

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

49. Identify any surveys, investigations or studies regarding the Opposed Mark conducted by, on behalf of, or provided to, Applicant.

**Response:** Applicant objects to this interrogatory because it seeks information which is neither relevant to any properly asserted causes of action in this proceeding nor reasonably intended to lead to the discovery of admissible evidence.

50. Describe in detail the basis for your position that Opposers have failed to state a claim.

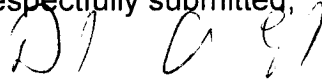
**Response:** Case law is publicly available.

51. Identify the persons most knowledgeable concerning the facts which support Applicant's Application Nos. 78/096,063 and 78/095,659 to register the Opposed Mark.

**Response:** Applicant identifies Ivy Silberstein.

Date: January 5, 2010

Respectfully submitted,



David A. Einhorn, Esq.

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New York, New York 10111  
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*Attorneys for Applicant*  
IVY SILBERSTEIN

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- against - )

**Parent No.: 91,156005**

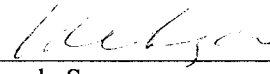
**Child No.: 91,156138**

IVY SILBERSTEIN, )

Applicant. )

**CERTIFICATE OF MAILING**

I hereby certify that this APPLICANT'S RESPONSES AND OBJECTIONS TO OPPOSERS' CONSOLIDATED INTERROGATORIES is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" pursuant to 37 C.F.R. § 1.10 on January 5, 2010 and is addressed to the Commissioner for Trademarks, Trademark Trial and Appeal Board, Box: TTAB No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
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Audrey de Souza

Express Mail No.: EM 199391143 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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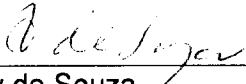
**Parent No.: 91,156005**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the APPLICANT'S RESPONSES AND OBJECTIONS TO OPPOSERS' CONSOLIDATED INTERROGATORIES was served by upon counsel for Applicant by depositing the same in the U.S. Mail, first-class postage prepaid, on January 5, 2010, in an envelope addressed to:

Jonathan Zavin, Esq.  
Loeb & Loeb, LLP  
345 Park Avenue, 18<sup>th</sup> Floor  
New York, New York 10154

  
\_\_\_\_\_  
Audrey de Souza