

ESTTA Tracking number: **ESTTA25272**

Filing date: **02/07/2005**

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

Proceeding	91163437
Party	Plaintiff TigerDirect, Inc. ,
Correspondence Address	LAURA E. GOLDBARD STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 1003-4982 afisher@stroock.com
Submission	Tiger Direct, Inc.'s Notice of Deposition of Apple Computer, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6)
Filer's Name	G. Roxanne Elings
Filer's e-mail	elingsr@gtlaw.com, arnoldz@gtlaw.com
Signature	/g. roxanne elings/
Date	02/07/2005
Attachments	Deposition Notice.pdf (6 pages) Certificarte of Service.pdf (1 page)

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

In re.: U.S. Trademark Application No. 78/269,988

Mark: TIGER

Filed: August 17, 2004

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TIGER DIRECT, INC.	:
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	:
Opposer,	:
	:
v.	:
	:
APPLE COMPUTER, INC.	:
	:
Applicant.	:
	:
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Opposition No. 91163437

**TIGER DIRECT, INC.’S NOTICE OF DEPOSITION OF APPLE
COMPUTER, INC. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

TO APPLE COMPUTER, INC. AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to the provisions of 27 CFR §2.116 and Rule 30(b)(6) of the Federal Rules of Civil Procedure, Opposer Tiger Direct, Inc. (“Tiger Direct”) will take the deposition of Applicant Apple Computer, Inc. (“Apple”) at the offices of Greenberg Traurig, 2000 University Avenue, Suite 602, East Palo Alto, California, 94303, beginning on March 11, 2004, at 10:00 a.m and continuing day to day until completed. Apple will be examined concerning the topics set forth in Exhibit A attached hereto.

NOTICE IS FURTHER GIVEN that Tiger Direct may videotape the testimony at the above described deposition, in addition to recording this testimony by stenographic method.

Dated: February 7, 2005

Respectfully submitted

GREENBERG TRAURIG LLP

By: /g. roxanne elings/
G. Roxanne Elings, Esq.
David Saenz, Esq.
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400
Attorneys for Opposer Tiger Direct, Inc.

EXHIBIT A

DEPOSITION TOPICS

Topic No. 1:

Apple's first use of the Tiger mark in commerce, or plans to introduce products under the Tiger Mark in the future.

Topic No. 2:

The products that Apple advertises under the Tiger Mark.

Topic No. 3:

The products that Apple advertises or has advertised under its "large cats" marks as that term means in paragraph 8 of the affirmative defenses in Apple's answer to Tiger Direct's Notice of Opposition.

Topic No. 4:

Apple's plans, if any, to begin advertising new or additional products under the Tiger mark.

Topic No. 5:

Apple's plans, if any, to begin advertising new or additional products under each or its "large cats" marks as that term means in paragraph 8 of the affirmative defenses in Apple's answer to Tiger Direct's Notice of Opposition.

Topic No. 6:

The customers, including but not limited to their type, location and sophistication, to whom Apple markets and/or intends to market products under the Tiger Mark.

Topic No. 7:

The customers, including but not limited to their type, location and sophistication, to whom Apple has marketed, markets and/or intends to market products under each of its “large cats” marks as that term means in paragraph 8 of the affirmative defenses in Apple’s answer to Tiger Direct’s Notice of Opposition.

Topic No. 8:

Revenues received from the sale of products under the Tiger Mark.

Topic No. 9:

Revenues received from the sale of products under each of its “large cats” marks as that term means in paragraph 8 of the affirmative defenses in Apple’s answer to Tiger Direct’s Notice of Opposition.

Topic No. 10:

Advertising, including but not limited to the manner and type of advertising and the amount invested in advertising, for products sold under the Tiger Mark.

Topic No. 11:

Advertising, including but not limited to the manner and type of advertising and the amount invested in advertising, for products sold under each of its “large cats” marks as that term means in paragraph 8 of the affirmative defenses in Apple’s answer to Tiger Direct’s Notice of Opposition.

Topic No. 12:

Contracts, licenses or other agreements, and communications in regard thereto, between Apple and Tiger Direct

Topic No. 13:

Confusion between Apple's use of the Tiger Mark and any of Opposer's trademarks or products.

Topic No. 14:

Market studies or surveys conducted by Apple or any third party on Apple's behalf relating to the Tiger Mark.

Topic No. 15:

Apple's licensing, if any, of the right to use the Tiger Mark.

Topic No. 16:

Apple's decision to use the Tiger Mark.

Topic No. 17:

The marketing channels through which Apple has sold, sells or intends to sell products under the Tiger Mark.

Topic No. 18:

The marketing channels through which Apple has sold, sells or intends to sell products under each of its "large cats" marks as that term means in paragraph 8 of the affirmative defenses in Apple's answer to Tiger Direct's Notice of Opposition.

Topic No. 19:

Conferences or trade shows at which Apple has advertised, sold, displayed or marketed products under the Tiger Mark.

Topic No. 20:

Conferences or trade shows at which Apple has advertised, sold, displayed or marketed products under each of its “large cats” marks as that term means in paragraph 8 of the affirmative defenses in Apple’s answer to Tiger Direct’s Notice of Opposition.

Topic No. 21:

The third party use of trademarks incorporating the term “Tiger”.

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Opposer,	:	Opposition No. 91163437
	:	
v.	:	
	:	
APPLE COMPUTER, INC.	:	
	:	
Applicant.	:	
	:	
	X	

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on February 7, 2005, I served a copies of the within **REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF THE NEW ATTORNEY, TIGER DIRECT, INC.'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS AND NOTICE OF DEPOSITION 30(b)(6)** by Federal Express (overnight) upon:

Alan J. Baden, Esq.
Kenyon & Kenyon
333 W. San Carlos Street, Suite 600
San Hose, California 95110

Laura E. Goldbard, Esq.
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10003

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ZENAY R. ARNOLD