

ESTTA Tracking number: **ESTTA25273**

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 First Set of Interrogatories to Apple Computer, Inc.
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Date	02/07/2005
Attachments	1st Request for Interrog.pdf (7 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

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

**TIGER DIRECT, INC.’S FIRST SET OF
INTERROGATORIES TO APPLE COMPUTER, INC.**

Opposer Tiger Direct, Inc. (“Tiger Direct”) hereby requests, pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the U.S. Trademark Rules of Practice, that Applicant Apple Computer, Inc. (“Apple”) respond in writing to this First Set of Interrogatories within thirty days of the date hereof.

INSTRUCTIONS

1. These interrogatories are addressed to Apple and its (i) present or former directors, officers, employees, agents, representatives, accountants, investigators, consultants, attorneys, and predecessors or successors in interest and any parent, subsidiary or affiliated entities that were in existence during the applicable period of time covered by these interrogatories; (ii) any other person or entity acting on Apple’s behalf

or on whose behalf Apple acted; and (iii) any other person or entity otherwise subject to Apple's control or which controls Apple, or with which Apple is under common control.

2. Apple's answers must include all information concerning the matters inquired about available to Apple's attorneys, and to investigators or other agents for Apple and its attorneys.

3. If Apple cannot answer any interrogatory fully and completely after exercising due diligence to make inquiry and secure the information necessary to do so, please so state and answer each such interrogatory to the fullest extent Apple deems possible, specify the portion of each interrogatory that Apple claims to be unable to answer fully and completely, state the facts upon which Apple relies to support its contention that it is unable to answer the interrogatory fully and completely, and state what knowledge, information or belief Apple has concerning the unanswered portion of each such interrogatory.

4. If a document once existed and has subsequently been lost, destroyed, or is otherwise missing, Apple shall identify the document and state the details concerning the loss of such document.

5. If Apple claims that the attorney-client privilege or any other privilege or protection is applicable to any written or electronic communication or document, Apple shall identify the communication or document, except that instead of stating the contents of the communication or document, Apple shall state the subject of the communication or document; state the privilege or protection claimed; and provide sufficient information concerning the communication or document and the circumstances thereof to explain the

claim of privilege or protection and to permit the adjudication of the propriety of the claim.

6. These interrogatories shall be continuous in nature. If Apple subsequently obtains information that renders its answers to these interrogatories incomplete or inaccurate, Apple is to amend its answers to make them complete and accurate.

DEFINITIONS

1. “And” and “or” shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term “all” shall mean “any and all,” and the term “any” shall mean “any and all.” The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The terms “Tiger Direct” or “Opposer” shall mean Tiger Direct, Inc., and any of its employees, representatives, attorneys, and agents, inclusively.

3. The terms “You,” “Your,” “Applicant” or “Apple” mean Apple Computer, Inc. and any of its employees, representatives, attorneys and agents, inclusively.

4. The term “Person” includes any natural person, firm, association, organization, partnership, business, trust, corporation or public entity.

5. The phrase “Identify all Persons” shall mean to specify the full name, present position and business affiliation of such Person, and last known physical address (including apartment number, if applicable), email address, telephone number and facsimile number for such Person.

6. The term “Tiger Mark” shall refer to the trademark for which Apple has filed U.S. Trademark Application No. 78/269988.

7. The term “Communications” means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance, pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters, emails, reports or memoranda, formal statements, newspaper stories, notes of telephone conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

8. The term “Document” shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings

and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

INTERROGATORIES

Interrogatory No. 1:

Identify all Persons whom Applicant intends to take testimony of in this proceeding, including the subject matter which such witness(es) is (are) expected to testify and the expected substance of the witness(es) testimony.

Interrogatory No. 2:

Identify all Persons responsible for the decision to adopt and use the Tiger Mark.

Interrogatory No. 3:

Identify all Persons responsible for the marketing of products sold or to be sold under the Tiger Mark.

Interrogatory No. 4:

List all channels of trade in which products sold under the Tiger Mark are distributed or sold or intend to be distributed or sold.

Interrogatory No. 5:

Identify all Persons who have purchased products sold under the Tiger Mark.

Interrogatory No. 6:

List any and all trademark registration(s) or current pending application(s) for the Tiger Mark in any of the states of the United States or the trademark office of any foreign country.

Interrogatory No. 7:

Identify by name, date, and relevant page number each magazine, periodical, pamphlet, newspaper, web page, internet address, brochure, flyer, advertisement, video tape, trade or business directory or other publication in which the Tiger Mark has appeared.

Interrogatory No. 8:

Identify each state of the United States in which Applicant distributes, sells, offers to sell, or intends to sell or offer to sell, products under the Tiger Mark.

Interrogatory No. 9:

List each product presently marketed under the Tiger mark, or which Apple intends to market under the Tiger Mark.

Interrogatory No. 10:

List the dates of first use and first use in commerce of the Tiger Mark for every product sold under the Tiger mark.

Interrogatory No. 11:

Identify by name, court and case number any other litigation or legal disputes regarding use of the Tiger Mark or, if a legal dispute has not matured into litigation, by stating the name and address of the Person with whom Applicant has the dispute.

Interrogatory No. 12:

Identify by name, date, location and attendees all trade shows or conferences at which Applicant has advertised, sold, displayed or marketed products under the Tiger Mark or currently intends to advertise, sell, display or marketed products under the Tiger Mark.

Interrogatory No. 13:

Identify all Persons with whom Applicant has entered into a license, contract or other agreement regarding use of the Tiger Mark.

Interrogatory No. 14:

Identify all Persons who have prepared or provided an expert report for Applicant regarding use of the Tiger Mark, or who Applicant intends to use as an expert witness in this proceeding for any purpose.

Interrogatory No. 15:

Identify by date and subject matter all contracts, licenses or other agreements entered into between Applicant and Tiger Direct.

Interrogatory No. 16:

State the amount of all revenues received, on a monthly basis, by Apple for sales of products under the Tiger Mark.

Interrogatory No. 17:

Identify all Persons who furnished information regarding the answers to the foregoing interrogatories.

Dated: February 7, 2005

Respectfully submitted

GREENBERG TRAURIG LLP

By: /s. roxanne elings/

G. Roxanne Elings, Esq.

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Attorneys for Opposer Tiger Direct, Inc.

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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:

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333 W. San Carlos Street, Suite 600
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