

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

YOSEF NAZAR,	:
	:
Opposer,	:
	:
v.	:
	:
LEON HEDVAT,	:
	:
Applicant.	:

~~# 91071461~~
 Opposition No. 91177438
 # 77 022 461

APPLICANT'S MOTION TO COMPEL DISCOVERY

Applicant, Leon Hedvat, by and through his attorneys, moves pursuant to 37 C.F.R. §2.120(e) for an order compelling Opposer, Yosef Nazar, to respond fully to Applicant's Interrogatories and Document Requests.

On January 9, 2008, Applicant served Applicant's First Set of Interrogatories to Opposer and Applicant's First Request for Production of Documents and Things to Opposer. Copies of these documents are attached as Exhibits 1 and 2, respectively, to this motion. Opposer has not served responses to either the interrogatories or the document requests.

In accordance with Rule 2.120(e), Applicant has made a good faith effort to secure the discovery to which he is entitled. As set forth in the Declaration of Stephen J. Quigley, attached as Exhibit 3 to this motion, on February 28, 2008, Applicant's attorney sent an e-mail to Opposer's attorney which advised that the February 13, 2008 deadline for discovery production had passed and inquired as to when discovery responses will be served. As of the date of this motion, there has not been any response from Opposer's attorney.



03-10-2008

Accordingly, Applicant moves this Board for an order compelling Opposer to fully answer all interrogatories and produce all documents requested without objection.

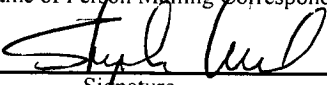
Applicant also requests that the dates in this proceeding, including the March 7, 2008 discovery cut-off date, be suspended pending the Board's ruling on this motion.

Dated: March 6, 2008
New York, New York

FIRST-CLASS MAIL CERTIFICATE


I hereby certify that this correspondence is being deposited with the United States Postal Service as First-Class Mail to Addressee in a prepaid envelope with sufficient postage addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on March 6, 2008

Stephen J. Quigley
Name of Person Mailing Correspondence


Signature

March 6, 2008
Date of Signature

Respectfully submitted,


Max Moskowitz
Stephen J. Quigley

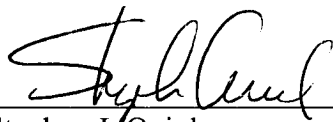
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700
Facsimile: (212) 382-0888
E-Mail: squigley@ostrolenk.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing APPLICANT'S MOTION TO COMPEL DISCOVERY was served on Opposer by first class mail, postage prepaid, this 6th day of March 2008, to Opposer's attorney:

Gary Rosen, Esq.
Gary Rosen Law Firm, P.C.
249-02 Jericho Turnpike
Floral Park, NY 11001



Stephen J. Quigley

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

YOSEF NAZAR,	:	
	:	
Opposer,	:	
	:	Opposition No. 91177438
v.	:	
	:	
LEON HEDVAT,	:	
	:	
Applicant.	:	

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Trademark Rules 2.116 and 2.120, Applicant, Leon Hedvat, hereby requests that Opposer answer separately and fully, in writing and under oath, each of the following interrogatories, and serve such answers on counsel for Applicant at the offices of Ostrolenk, Faber, Gerb & Soffen, LLP, 1180 Avenue of the Americas, New York, NY 10036-8403, within thirty (30) days of service of these interrogatories. Opposer shall supplement and/or amend his responses to the following interrogatories in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

INSTRUCTIONS AND DEFINITIONS

- A. In answering the Discovery Requests, please furnish all information currently known or available to you or your attorneys.
- B. Please record a separate answer for each Discovery Request and subpart.
- C. For each person who is identified in response to Applicant's Discovery Requests, please provide that person's last known business address, email address and phone number, and last known residential address and phone number.

D. If you contend that any document or information requested to be produced is protected from discovery by the attorney-client privilege, work product immunity or other ground of privilege or immunity, then identify for each such document:

1. the date of the document;
2. the name and title or position of the author(s) of the document;
3. the name and title or position of all persons designated as addressees receiving copies of the document;
4. the general subject matter of the document;
5. the type of document (e.g. memorandum, letter or report);
6. the specific grounds for withholding the document, including the specific facts upon which they will rely to establish the asserted attorney client privilege or immunity; and
7. the specific document request to which the document is responsive.

E. If you are unable to respond fully to any Discovery Request, you should respond to the extent possible and provide an explanation why a full response is not possible.

F. All Discovery Requests are directed to that information or those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants, and employees and, unless privileged, your attorney. They are also directed to those firms, corporations, partnerships, or trusts that you control, and to documents in the possession, custody or control of the employees, agents, trustees, guardians and/or representatives of such entities.

G. The Discovery Requests shall be deemed to be continuing. Your attention is also directed to Rule 26(e)(1) of the Federal Rules of Civil Procedure which provides as follows:

A party who has made a disclosure under Rule 26(a) – or who has responded to an interrogatory, request for production, or request for admission – must supplement or correct its disclosure or response:

(A) in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or

(B) as ordered by the court.

H. "Document" means the definition of "document" as set forth in Federal Rule of Civil Procedure 34 and includes, but is not limited to, writings, drawings, graphs, charts, photographs, phone records and other data compilations from which information can be obtained or translated through detection devices into reasonably usable form, and further includes the original and all non-identical copies of any written, typed, printed, photocopied, photographed, tape recorded or e-mailed matter of any kind, which is known by you to exist or to have existed or which at any time has been in your possession, custody or control, including, but not limited to, letters, envelopes, forms, affidavits, correspondences, telegraphs, telecopies, telefaxes, e-mail, paper communications, signed statements, tabulations, charts, checks, appointment books, records, proposals, memoranda, or other transcripts by mechanical device, by long hand or shorthand recording, tape recorded or by electronic or by any other means, computer generated information, computer software, data stored in a computer, intra-office communications, inter-office communications, all summaries of oral communications, telephonic or otherwise, microfiche, microfilm, web pages, lists, bulletins, calendars, circulars, desk pads, opinions, ledgers, minutes, agreements, journals, diaries, contracts, invoices, balance sheets, telephone messages or other messages, magazines, pamphlets, articles, notices, newspapers, studies, summaries, worksheets, telexes, cables and all other graphic materials, writings and instruments, however, produced or reproduced. A document includes all documents appended thereto.

I. "Concerning," "referring to", "relating to" or "relate to" means constituting, discussing, mentioning, containing, analyzing, embodying, reflecting, identifying, incorporating, describing, commenting on, referring to, considering, recommending, dealing with or pertaining to in whole or in part.

J. "Identify" with respect to persons means to give, to the extent known, the person's full name, present or last known address and, when referred to a natural person, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the names of that person need be listed in response to subsequent discovery requesting the identification of that person.

K. "Identify" with respect to corporations or other business entities means to give the corporation's or business entity's full name, legal form (i.e., corporation, partnership, etc.) and state of incorporation or legal formation, present or last known address and principal place of business, the identity of officers or others having knowledge of the matter with respect to which the corporation or entity is named, and the connection to Opposer's response.

L. "Identify" with respect to each document means to give, to the extent known: (1) the type of document; (2) the general subject matter; (3) the date of the document; and (4) the author(s), addressee(s) and recipient(s).

M. "Identify" with respect to oral communications shall mean: (1) the communication medium, i.e., in person, telephonic, or by other electronic means; (2) the date of each such communication; (3) the full name and current business and residence address of those who were present at each communication; and (4) the substance and nature of each such communication.

N. "Person" means any natural person or any business, legal or governmental entity or association.

O. The connectors "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside its scope.

P. "Including" means including without limitation.

Q. As used herein, the singular shall always include the plural and vice versa, and the present tense shall always include the past tense.

R. "You," "Your" or "Opposer" refers to "Yosef Nazar" and any of his affiliates, agents, employees, distributors, predecessors in interest, representatives and other related persons or entities.

S. "Opposer's Mark" means the mark ROMEO & JULIET COUTURE as set forth in Registration No. 3,254,707 and as described in paragraphs 1, 3 and 4 in the Notice of Opposition.

T. "Applicant's Mark" means the mark SWEET JULIET as shown and set forth in Application Serial No. 77/022,461.

INTERROGATORIES

INTERROGATORY NO. 1:

- A. Describe the relationship between Opposer and Sweet Romeo LLC.
- B. State whether Opposer currently has or ever had any rights in or control over the use of the mark SWEET ROMEO as shown in Application No. 77/150,649 and/or Registration No. 2,351,782.
- C. If the answer to paragraph B herein is anything other than unequivocally negative, describe the nature of such rights and/or control.

INTERROGATORY NO. 2:

Identify each person having knowledge or information concerning Opposer's selection and adoption of Opposer's Mark and describe the nature of each such person's knowledge or information.

INTERROGATORY NO. 3:

- A. Identify the derivation of Opposer's Mark.

B. Describe the connotation and commercial impression intended by Opposer, if any, of Opposer's Mark.

INTERROGATORY NO. 4:

Identify any alleged predecessors or related persons or entities from whom Opposer claims to have succeeded to or acquired rights to Opposer's Mark or upon whom Opposer otherwise relies for the purpose of any claim of use or priority for Opposer's Mark.

INTERROGATORY NO. 5:

For each alleged predecessor, related entity and/or person identified in response to Interrogatory No. 4, above:

A. Identify the time period(s) during which said predecessor, related entity, and/or person is alleged to have used Opposer's Mark.

B. Specify the types of goods or services upon which said predecessor, related entity and/or person is alleged to have used Opposer's Mark.

C. Describe the basis for any claim by Opposer to be a successor in interest to or to otherwise be entitled to rely upon any use of or right to Opposer's Mark owned by said predecessor, related entity and/or person.

INTERROGATORY NO. 6:

A. Identify and describe in detail each product which is currently manufactured and/or sold by Opposer, and each product that has ever been manufactured and/or sold by Opposer, on or in connection with which Opposer's Mark is or has been used in any manner, i.e., either alone, or in combination with any other letter(s), number(s), word(s) or other term(s) (collectively, "Opposer's Goods").

B. For each product identified in response to paragraph A herein:

(i) Identify and describe all wholesale and retail channels of trade.

(ii) Identify and describe all intended purchasers and users.

(iii) State the period of time during which Opposer's Mark has been used on or in connection with the product.

(iv) State the volume of sales, on an annual basis, in units and dollars, since the first use of Opposer's Mark.

INTERROGATORY NO. 7:

For each period of non-use specified in response to Interrogatory No. 6 above, state the reasons for the non-use of Opposer's Mark.

INTERROGATORY NO. 8:

State the current wholesale and suggested retail price of each of Opposer's Goods.

INTERROGATORY NO. 9:

Identify all uses of Opposer's Mark including, but not limited to products, product containers, labels, hang tags, packaging, advertising, catalogs, store displays, and Internet web sites.

INTERROGATORY NO. 10:

Identify the type of retail outlets to which Opposer has sold and/or is currently selling or distributing Opposer's Goods.

INTERROGATORY NO. 11:

A. Identify and describe each product on or in connection with which Opposer intends to use Opposer's Mark.

B. For each product identified in response to paragraph A herein:

(i) Identify the prospective wholesale and retail channels of trade.

(ii) Identify and describe all intended purchasers and users.

INTERROGATORY NO. 12:

With respect to Opposer's Goods, identify those persons most knowledgeable concerning:

- A. Sales.
- B. Marketing.
- C. Advertising and promotion.

INTERROGATORY NO. 13:

- A. With respect to the promotion and advertising for each of Opposer's Goods:
 - (i) Identify the form of each media promotion or advertisement.
 - (ii) State the inclusive dates of each promotion or advertisement.
 - (iii) State the amount spent each year by Opposer on each promotion or advertisement.
 - (iv) Identify all media utilized.
- B. Identify each advertising agency which did any work with regard to Opposer's Goods.

INTERROGATORY NO. 14:

- A. State whether Opposer, or anyone on its behalf, conducted a trademark search or investigation of any records, including, but not limited to U.S. Patent and Trademark Office records, state trademark records, trademark or trade publications, catalogs, sales literature, advertisements, business directories, Internet search engines, or the records of any trademark service organization with regard to the adoption of Opposer's Mark.
- B. Identify each search or investigation report which resulted from the search(es) identified in the answer to paragraph A herein.

C. Identify the persons most knowledgeable with respect to the searches and reports identified in response to paragraph A herein.

D. Identify any opinion(s) of counsel prepared by or on behalf of Opposer with respect to:

- (i) The searches or reports inquired about in paragraph A herein.
- (ii) Opposer's right to use and register Opposer's Mark.

INTERROGATORY NO. 15:

Identify each authorization or license to use Opposer's Mark which has been granted or received by Opposer or any other company or person.

INTERROGATORY NO. 16:

A. Identify all consumer surveys, market research, focus groups and other studies conducted by or on behalf of Opposer, or known to Opposer, concerning Opposer's Mark.

B. For each survey, etc. identified in response to paragraph A herein, identify the person(s) most familiar with it.

INTERROGATORY NO. 17:

A. State whether Opposer has knowledge of the trademark use (past or present) by parties other than Applicant of the term JULIET ("Third Party JULIET Uses").

B. If the answer to paragraph A herein is anything other than unequivocally negative:

(i) Identify each Third Party JULIET Use including, but not limited to, a description of each product or service.

(ii) Identify the date on which Opposer first learned of each Third Party JULIET Use.

(iii) Describe the action, if any, undertaken by Opposer with regard to each Third Party JULIET Use.

INTERROGATORY NO. 18:

A. State whether Opposer has knowledge of the trademark use (past or present) by other parties of the term ROMEO (“Third Party ROMEO Uses”).

B. If the answer to paragraph A herein is anything other than unequivocally negative, identify:

(i) Each Third Party ROMEO Use including, but not limited to, a description of each product or service.

(ii) The date on which Opposer first learned of each Third Party ROMEO Use.

(iii) The action, if any, undertaken by Opposer with regard to each Third Party ROMEO Use.

INTERROGATORY NO. 19:

State whether Opposer has ever charged, orally or in writing, any other person or entity with infringement of Opposer’s alleged rights in the exclusive use of Opposer’s Mark. If so, describe in detail all facts and circumstances concerning each such charge and the disposition thereof.

INTERROGATORY NO. 20:

State whether Opposer has ever been charged, orally or in writing, by any other person or entity with infringement because of Opposer’s use of Opposer’s Mark. If so, describe in detail all facts and circumstances concerning each such charge and the disposition thereof.

INTERROGATORY NO. 21:

Other than in the present proceeding and any other proceedings identified in the responses to Interrogatories 17 through 20, state whether Opposer is presently, or has ever been,

a party to any litigation, either before a court or the Patent and Trademark Office, concerning its use of Opposer's Mark. If so, for each such litigation, describe in detail:

- A. All relevant facts and circumstances.
- B. The current status or disposition of the litigation.

INTERROGATORY NO. 22:

Identify each instance known to Opposer of confusion between Opposer's Mark and Applicant's Mark. For each such instance:

- A. Describe the particulars of the instance and the dates therein.
- B. Identify all persons with knowledge of the instance.
- C. Identify the products and/or services involved.
- D. State the action, if any, taken by Opposer or persons acting on its behalf.

INTERROGATORY NO. 23:

Identify each oral or written communication known to Opposer which suggests, implies, or infers that Opposer may be connected or associated with Applicant or which inquires as to whether there is or may be such a connection or association.

INTERROGATORY NO. 24:

Identify each inquiry, shopping, or investigation of Applicant or of any goods sold or distributed or trademark used by Applicant which has been conducted by or for Opposer.

INTERROGATORY NO. 25:

- A. State when Opposer first became aware of Applicant's use of and/or application to register Applicant's Mark.
- B. Describe the nature and circumstances surrounding such knowledge.

INTERROGATORY NO. 26:

Identify each person Opposer intends to call as an expert witness in this proceeding. For each such person:


- A. Describe the subject matter on which he or she is expected to testify.
- B. Describe the substance of the facts and opinions to which he or she is expected to testify.

INTERROGATORY NO. 27:

As to each answer to each interrogatory herein, identify each person(s) who provided information for the preparation of the answer.

Dated: New York, New York
January 9, 2008

Respectfully submitted,



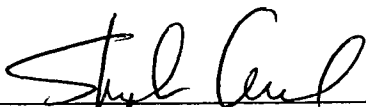
Max Moskowitz
Stephen J. Quigley
Ostrolenk, Faber, Gerb & Soffen, LLP
1180 Avenue of the Americas
New York, NY 10036-8403
212-382-0700
squigley@ostrolenk.com

Attorneys for Applicant Leon Hedvat

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January, 2008, a true copy of the foregoing **APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER** was served on counsel for Opposer by first class mail, postage prepaid, to:

Gary Rosen, Esq.
Gary Rosen Law Firm, P.C.
249-02 Jericho Turnpike
Floral Park, NY 11001



Stephen J. Quigley

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

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Opposer,	:	Opposition No. 91177438
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v.	:	
	:	
LEON HEDVAT,	:	
	:	
Applicant.	:	

**APPLICANT'S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS TO OPPOSER**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Trademark Rules 2.116 and 2.120, Applicant, Leon Hedvat, hereby requests that Opposer produce the documents and things hereinafter described for inspection and copying by forwarding true copies of each document and thing covered by these Requests to counsel for Applicant at the offices of Ostrolenk, Faber, Gerb & Soffen, LLP, 1180 Avenue of the Americas, 7th Floor, New York, NY 10036-8403, within thirty (30) days of service of these requests. Opposer shall supplement and/or amend his responses to the following requests in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

INSTRUCTIONS AND DEFINITIONS

Applicant adopts, as though explicitly set forth herein, the Instructions and Definitions set forth in Applicant's First Set of Interrogatories to Opposer which are being served concurrently. If any document or thing is withheld because of any asserted privilege, the document should be fully identified as set forth in Instruction D of the Interrogatories, or the thing should be described and its creator and the current custodian identified, and the basis for the asserted privilege shall be stated.

REQUEST NO. 1:

All documents concerning Opposer's consideration, acquisition, selection, adoption and decision to use and register Opposer's Mark, including, but not limited to communications, memoranda, investigations, database searches, trademark search reports, studies, focus groups, surveys, inquiries, licenses, assignments and minutes of meetings.

REQUEST NO. 2:

All documents referring to written statements or opinions sent to or received by Opposer from or to experts or non-experts in connection with Opposer's Mark, including but not limited to determining availability for use and registration in the U.S.

REQUEST NO. 3:

All documents and things concerning the intended meanings or connotations of Opposer's Mark.

REQUEST NO. 4:

All documents concerning Sweet Romeo LLC.

REQUEST NO. 5:

All documents concerning the mark SWEET ROMEO as set forth in U.S. Patent and Trademark Office Application No. 77/150,649 and Registration No. 2,351,782.

REQUEST NO. 6:

Documents which evidence the first use of Opposer's Mark in commerce:

- a. By Opposer itself.
- b. By all predecessors of Opposer.

REQUEST NO. 7:

All documents sufficient to identify each and every different kind of product sold or distributed bearing Opposer's Mark.

REQUEST NO. 8:

Representative specimens of products, labels, packaging, containers, brochures, pamphlets, signs, banners, advertising, and all other documents and materials which show all manners, forms and formats in which Opposer's Mark is currently, and has previously been, depicted.

REQUEST NO. 9:

All documents concerning any plans by Opposer to expand the line of goods bearing Opposer's Mark.

REQUEST NO. 10:

All documents concerning the quality of Opposer's Goods (as defined in Interrogatory No. 6, served concurrently).

REQUEST NO. 11:

Representative advertisements in newspapers, magazines, flyers, other publications, radio, television, Internet web pages, other electronic media, and all marketing and promotional materials featuring Opposer's Mark.

REQUEST NO. 12:

All catalogs where the goods offered by Opposer under Opposer's Mark are advertised, promoted, offered for sale or sold.

REQUEST NO. 13:

All documents concerning the chain of title for Opposer's Mark.

REQUEST NO. 14:

All documents concerning the use of Opposer's Mark by Spotted Dog, Ltd.

REQUEST NO. 15:

All consumer and marketing surveys, studies, focus group reports, and other research concerning Opposer's Mark.

REQUEST NO. 16:

All press releases concerning Opposer's Mark.

REQUEST NO. 17:

All news articles concerning Opposer's Mark.

REQUEST NO. 18:

All complaints and other correspondence and communications sent by consumers, competitors, or the government concerning:

- a. Opposer's Mark
- b. Opposer's Goods.

REQUEST NO. 19:

All correspondence written or sent by Opposer or on Opposer's behalf to consumers or potential consumers concerning Opposer's Mark.

REQUEST NO. 20:

All documents and things, including, but not limited to purchase orders, invoices, shipping documents and business records sufficient to identify all retail outlets where Opposer's Goods are currently and have previously been sold.

REQUEST NO. 21:

All documents and things sufficient to identify the amount of Opposer's annual sales of Opposer's Goods from the date of first sale to the present.

REQUEST NO. 22:

All documents and things sufficient to identify the amount of Opposer's annual expenditures for advertising and promoting Opposer's Goods from the date of first advertisement or promotion to the present.

REQUEST NO. 23:

All licenses between Opposer and any third party concerning Opposer's Mark.

REQUEST NO. 24:

All assignments between Opposer and any third party concerning Opposer's Mark.

REQUEST NO. 25:

All agreements or contracts between Opposer and any third party concerning Opposer's Mark.

REQUEST NO. 26:

All documents and things sufficient to identify the wholesale and retail price of each of Opposer's Goods.

REQUEST NO. 27:

All documents in Opposer's possession or control concerning Applicant or Applicant's Mark.

REQUEST NO. 28:

All documents concerning any actual confusion between Opposer's Mark and Applicant's Mark.

REQUEST NO. 29:

All documents concerning any communication, whether oral or in writing, received by Opposer from any person or company which suggests, implies, or infers that Applicant or Applicant's Mark may be connected or associated with Opposer or Opposer's Mark.

REQUEST NO. 30

All documents concerning each instance where Opposer objected to any other person's use of a mark believed by Opposer to be confusingly similar to Opposer's Mark, including, but not limited to protest letters, replies and settlement agreements.

REQUEST NO. 31:

All documents concerning each instance where Opposer received an objection that its use of Opposer's Mark was confusingly similar to another person's mark including, but not limited to, protest letters, replies and settlement agreements.

REQUEST NO. 32:

All documents concerning any litigation, either before a court or the U.S. Patent and Trademark Office, concerning Opposer's use of and/or attempt to register Opposer's Mark.

REQUEST NO. 33:

All documents not otherwise produced in response to any of the foregoing requests which are identified in Opposer's interrogatory responses or which were relied upon in preparing Opposer's interrogatory responses or upon which Opposer intends to rely upon in this proceeding.

Respectfully requested,



Max Moskowitz

Stephen J. Quigley

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

(212) 382-0700

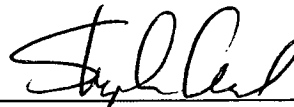
Attorneys for Applicant

Dated: January 9, 2008
New York, New York

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January, 2008, a true copy of the foregoing
**APPLICANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS
TO OPPOSER** was served on counsel for Opposer by first class mail, postage prepaid to:

Gary Rosen, Esq.
Gary Rosen Law Firm, P.C.
249-02 Jericho Turnpike
Floral Park, NY 11001



Stephen J. Quigley

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v.	:	
	:	
LEON HEDVAT,	:	
	:	
	:	
Applicant.	:	

DECLARATION OF STEPHEN J. QUIGLEY

I, Stephen J. Quigley, declare that I am an attorney in the firm Ostrolenk, Faber, Gerb & Soffen, LLP which is representing the Applicant in this proceeding.

1. On January 9, 2008, I served upon Opposer by first class mail Applicant's First Set of Interrogatories to Opposer and Applicant's First Request for Production of Documents and Things to Opposer.

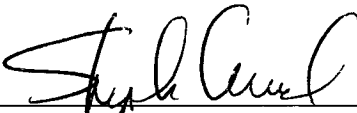
2. On February 28, 2008, I sent an e-mail to Opposer's attorney, Gary Rosen, advising that the February 13, 2008 deadline for discovery production had passed and inquired as to when the discovery responses will be served. A copy of my e-mail is attached as Exhibit A to this Declaration.

3. As of today, I have not received either the discovery or a response to my February 28, 2008 e-mail from Mr. Rosen or anyone else purporting to represent Opposer in this matter.

All statements made of my own knowledge are true and all statements made on information and belief are believed to be true; further, these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize Applicant's rights and interest in the captioned proceeding.

Dated: March 6, 2008



Stephen J. Quigley

RECYCLED

Stephen J. Quigley

From: Stephen J. Quigley
Sent: Thursday, February 28, 2008 3:07 PM
To: Gary Rosen (groser@garyrosen.com)
Subject: Trademark Opposition to SWEET JULIET -- No. 91177438

Mr. Rosen,

We have yet to receive responses to the discovery served to you on January 9, 2008. The deadline for responding was February 13, 2008.

Please advise as to when the discovery will be served. Also, by failing to produce discovery by the deadline, your clients have waived their right to object to any of the interrogatories or document requests, except on the grounds of privilege and confidentiality.

Regards,

Stephen J. Quigley

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