

ESTTA Tracking number: **ESTTA582550**

Filing date: **01/17/2014**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Kings Autoshow Inc.
Granted to Date of previous extension	01/19/2014
Address	5815 Church Avenue Brooklyn, NY 11203 UNITED STATES

Attorney information	Daniel P. Burke Daniel P. Burke & Associates, PLLC 240 Townsend Square Oyster Bay, NY 11771 UNITED STATES dburke@dpburke.com Phone:5168020560
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Applicant Information

Application No	85818063	Publication date	07/23/2013
Opposition Filing Date	01/17/2014	Opposition Period Ends	01/19/2014
Applicant	Kings Nissan, Inc. 2758 Coney Island Avenue Brooklyn, NY 11223 NY		

Goods/Services Affected by Opposition

Class 035. First Use: 1970/05/26 First Use In Commerce: 1970/05/26 All goods and services in the class are opposed, namely: NEW AND USED CAR DEALERSHIPS, RETAIL STORE SERVICES FEATURING AUTOMOTIVE PARTS

Grounds for Opposition

The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Related Proceedings	Kings Nissan, Inc. v. Kings Autoshow, Inc. and Kings Autoshow II, Inc. Civil Action No. 13-1085 Eastern District of New York
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Attachments	14-1-17 Notice of Opposition.pdf(1146090 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/daniel p. burke/
Name	Daniel P. Burke
Date	01/17/2014

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

In the matter of Trademark Application Serial No.: 85/818,063

Mark: KINGS

Filed : January 8, 2013

Published in the Official Gazette on July 23, 2013

KINGS AUTOSHOW, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
)	
KINGS NISSAN, INC.)	
)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

KINGS AUTOSHOW, INC. (Opposer), a corporation organized and existing under the laws of the State of New York, located at 5815 Church Avenue, Brooklyn, New York, believes that it will be damaged by registration of the mark KINGS shown in application Serial No. 85/818,063 filed on January 8, 2013 by KINGS NISSAN, INC. (Applicant) and hereby opposes same.

As grounds of the Opposition, Opposer alleges that:

1. Opposer has been engaged in the extensive advertising and sale of automobiles since about December 2000.

2. Opposer, since at least as early as about December 2000, has been and is now using the mark KINGS AUTO SHOW in connection with automobile dealerships.
3. Opposer's use of said mark has been valid and continuous since said date of first use and has not been abandoned. Opposer's mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through a substantial amount of time and effort in advertising and promotion.
4. Opposer is the owner of U.S. Trademark Application Serial No. 86/093,468 for the mark KINGS AUTO SHOW for use in connection with automobile dealerships.
5. While Opposer's postal address is on Church Street in Brooklyn, Opposer's business is also located on Kings Highway.
6. New York City, in the U.S. state of New York, is composed of five boroughs. Each borough has the same boundaries as a county of the state. "Brooklyn" is the name of one of the boroughs. The same geographical area of the Brooklyn borough is KINGS county.
7. Opposer's business is physically located on Kings Highway in Kings County.
8. It is very common for businesses, courts and governmental agencies located in Kings County to include the word KINGS as part of their name.
9. Applicant is also located in Kings County, New York.

10. All of Applicant's sales of goods and services take place in Kings County, N.Y. (See Applicant's Admission no. 6 in attached Exh. 1 from a lawsuit pending in the Eastern District of New York).
11. Applicant's mark is primarily geographically descriptive.
12. On information and belief, Applicant has used and continues to use the trademark KINGS NISSAN for the vast majority of its dealings with the consuming public.
13. Applicant holds itself out to the consuming public as KINGS NISSAN.
14. Attached Exhibit 2 shows a screen shot of Applicant's website taken on January 15, 2014 which shows Applicant's use of the mark KINGS NISSAN.
15. Applicant filed U.S. Trademark application Serial No. 85/818,063 for the mark KINGS on January 8, 2013 for use in connection with new and used car dealerships and retail store services featuring automotive parts in International Class 35.
16. Applicant's application originally alleged a date of first use in 1958.
17. On information and belief, Applicant was using the composite mark KINGS DATSUN and has since transitioned to the composite mark KINGS NISSAN.
18. Following discussions between counsel for Opposer and counsel for Applicant relating to Applicant's alleged date of first use of the mark KINGS, as opposed to Applicant's use of either of the composite marks KINGS DATSUN or KINGS NISSAN, Applicant amended its application to allege a date of first use in 1970.

19. On information and belief, Applicant did not begin use of the mark KINGS in commerce as early as 1970 as alleged in Applicant's post-publication amendment.
20. On information and belief, Opposer's use of KINGS AUTO SHOW in connection with automobile dealerships began long before any use by Applicant of the mark KINGS in association with the services identified in paragraph 17.
21. On information and belief, if Applicant has used the mark KINGS in commerce, any use of the mark KINGS (by itself) by Applicant has been within the last few years and has been very limited.
22. Applicant has been well aware of Opposer's use of the word KINGS in Opposer's trademark (See Applicant's Admission no. 5 in attached Exh. 1 and Applicant's response to Interrogatory no. 4 in attached Exh. 3.)
23. On information and belief, at the time of the filing of Applicant's application, Applicant knew of Opposer's use of KINGS AUTO SHOW and that Opposer had the right to use the mark KINGS AUTO SHOW in commerce.
24. On information and belief, at the time of filing Applicant's post-publication amendment, Applicant knew that Applicant had not used the mark KINGS (by itself) at least as early as 1970.
25. By reason of the foregoing, registration of Applicant's mark will result in irreparable injury to Opposer and to its rights in its mark.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark be refused.

Respectfully submitted,

Dated: January 17, 2014



Daniel P. Burke
Daniel P. Burke & Associates, PLLC
240 Townsend Square
Oyster Bay, New York 11771
Tel. (516) 802-0560

Attorneys for Opposer

Enclosures: Exhibits 1-3

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


In the matter of Trademark Application Serial No.: 85/818,063
Mark: KINGS
Filed : January 8, 2013
Published in the Official Gazette on July 23, 2013

KINGS AUTOSHOW, INC.,)	
)	
Opposer,)	
v.)	Opposition No.:
)	
KINGS NISSAN, INC.)	
)	
Applicant.)	
<hr/>		

CERTIFICATE OF SERVICE

On January 17, 2014, counsel for Applicant agreed to accept service via email. I hereby certify that on January 17, 2014, a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on the below-named counsel for Applicant, Kings Nissan, Inc., via email:

John Tutunjian, Esq.
Edward P. Ryan, Esq.
Tutunjian & Bitetto, P.C.
425 Broadhollow Rd., Suite 302
Melville, NY 11747
631-844-0080
Edward Ryan [edr@tb-iplaw.com]
John Tutunjian [john@tb-iplaw.com]



Daniel P. Burke, Attorney for Opposer

Exhibit 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KINGS NISSAN, INC.,

Plaintiff,

-against-

KINGS AUTOSHOW, INC. and
KINGS AUTOSHOW II, INC.,

Defendant.

Docket No. CV-13-1085 (WFK) (JO)

RESPONSE TO FIRST
REQUEST FOR ADMISSIONS

PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST REQUEST FOR ADMISSIONS

Plaintiff Kings Nissan, Inc. (hereinafter "Plaintiff"), by and through their attorneys, Tutunjian & Bitetto, P.C., submit the following responses to the requests for admission served by Kings Autoshow, Inc. and Kings Autoshow II, Inc. (hereinafter "defendants") on November 25, 2013.

GENERAL OBJECTIONS

1. The following general objections are incorporated into each response herein as though set forth in full regardless of whether the Plaintiff also states a specific objection to an individual interrogatory. A specific response may repeat a general objection for emphasis or for some other reason. Failure to include any general objection in any specific response shall not be interpreted as a waiver of any general objection to that interrogatory.

2. Plaintiff objects to each request for admission to the extent that it seeks information or documents that are protected from disclosure by the attorney-client privilege, the

attorney work product doctrine, or any other privilege. Plaintiff will not provide information protected from disclosure by such privilege(s). The inadvertent production of any privileged information shall not be construed as a waiver of the Plaintiff's objection, privilege, or protection.

3. Plaintiff objects to each request for admission to the extent that it seeks information not relevant to any claim or defense of any party or it otherwise exceeds the scope or limits of discovery contained in Federal Rule of Civil Procedure ("FRCP") 26.

4. Plaintiff objects to each request for admission to the extent that it is overly broad, unlimited in time or unreasonably limited in time, or unduly burdensome, and therefore oppressive.

5. Plaintiff objects to each request for admission to the extent that it seeks information already in the custody or control of Defendants.

6. Plaintiff objects to each request for admission to the extent that it seeks information regarding matters not referenced in the complaint. Such requests are overly broad and not within the scope of discovery.

7. Plaintiff objects to each request for admission to the extent that it seeks information regarding products which are vaguely or ambiguously described.

REQUESTS FOR ADMISSION

1. Admit that Plaintiff is unaware of any instance of actual consumer confusion between Plaintiff and Kings Autoshow, Inc.

Denied.

2. Admit that Plaintiff is unaware of any instance of actual consumer confusion between Plaintiff and Kings Autoshow II, Inc.

Denied.

3. Admit that Plaintiff is unaware of any instance of actual consumer confusion between any mark of Plaintiff and any mark of Kings Autoshow, Inc.

Denied.

4. Admit that Plaintiff is unaware of any instance of actual consumer confusion between any mark of Plaintiff and any mark of Kings Autoshow II, Inc.

Denied.

5. Admit that Plaintiff has sold products to at least one of Defendants since at least 2001.

Admitted.

6. Admit that all of Plaintiff's sales of goods and services take place in Kings County, NY.

Admitted.

7. Admit that the majority of Plaintiff's sales of goods and services take place in Kings County, NY.

Admitted.

8. Admit that Plaintiff has used the mark KINGS NISSAN.

Admitted in part and Denied in part. KINGS and NISSAN are two separate marks, such that referring to them as a single mark is inaccurate. Plaintiff admits to using the mark KINGS, and admits to also using the name NISSAN as an authorized dealer of NISSAN products, but denies that these two separate trademarks are related to one another or in some fashion form a "composite" mark.

9. Admit that Plaintiff has no evidence that Kings Autoshow Inc. or Kings Autoshow II, Inc. attempted to trade on the goodwill and reputation of Plaintiff.

Denied.

10. Admit that the letter dated on November 9, 2012 (attached as exhibit H to the complaint) contains misrepresentations of fact.

Admitted to the extent that any misrepresentations of fact were unintentional.

11. Admit that the Plaintiff has no evidence supporting its contention that a Defendant ever thought it was infringing a trademark of Plaintiff.

Denied.

12. Admit that Plaintiff has no evidence supporting the contentions in paragraph 40 of the complaint.

Denied.

13. Admit that Plaintiff has no evidence supporting the contentions in paragraph 46 of the complaint.

Denied.

14. Admit that Kings Nissan, Inc. uses KINGS NISSAN to identify itself to the consuming public.

Admitted in part and Denied in part. Admitted to the extent that “Kings Nissan, Inc.” is Plaintiff’s corporate name and to the extent that “KINGS” is a source identifier for Plaintiff’s services. Denied to the extent that Plaintiff claims no rights to ownership in the name “NISSAN” and uses it solely to the extent authorized by Nissan Motor Corp as an authorized dealer.

15. Admit that Kings Nissan, Inc. still uses the single, unitary composite mark “KINGS NISSAN” prominently in its advertising and dealing with the public.

Admitted in part and Denied in part. Admitted to the extent that Plaintiff uses “KINGS NISSAN” in its advertising and dealings with the public. Denied to the extent that “KINGS NISSAN” is not a “single, unitary composite mark.”

16. Admit that Kings Nissan, Inc. uses the phone greeting “Thank you for calling Kings Nissan.”

Admitted.

17. Admit that Kings Nissan, Inc. did not use KINGS as a trademark since July 7, 1958 as was alleged in Kings Nissan, Inc.'s Federal Service Mark Application Serial No. 85/818,063.

Admitted.

18. Admit that Kings Nissan, Inc. made false representations to the United States Patent & Trademark Office regarding its use of KINGS.

Admitted, to the extent that any such false representations were unintentional.

19. Admit that Kings Nissan, Inc. did not use KINGS as a trademark since July 7, 1958 as alleged in Kings Nissan, Inc.'s New York State Service Mark Registration NO. S22328.

Admitted.


20. Admit that Kings Nissan, Inc. has intentionally made false representations to the New York State Department of State regarding its use of KINGS.

Denied.

21. Admit that Kings Nissan, Inc.'s NY State Service Mark Registration No. S22328 for "Kings" was improperly issued and is not valid because "Kings" is primarily geographically descriptive of the Plaintiff's services which are provided in Kings county.

Denied.

This the 30th day of December, 2013.

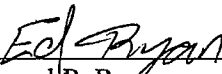


Edward P. Ryan (ER6661)
Tutunjian & Bitetto, P.C.
Attorneys for Plaintiffs
425 Broadhollow Rd., Suite 302
Melville, NY 11747
(631) 844-0080
edr@tb-iplaw.com

CERTIFICATE OF SERVICE

I hereby declare that the foregoing instrument was served upon the following this 30th day of December, 2013, by email.

DANIEL P. BURKE & ASSOCIATES, PLLC
240 Townsend Sq.
Oyster Bay, NY 11771
dburke@dpburke.com



Edward P. Ryan
Attorney for Defendants

Exhibit 2

Kings Nissan of Brooklyn | New & Used Nissan Dealer in Brooklyn, New York | Nissan Cars Near Fo - Internet Explorer, optimized

http://www.kingsnissan.com/index.htm


File Edit View Favorites Tools Help

[Lexis Advance™ Home](#)
[Blackboard Learn](#)
[Public Pair - Public Pair](#)
[Oyster Bay Weather, Curre...](#)
[Google Maps](#)
[Optimum Online - Sign In New](#)

Kings Nissan of Brooklyn | New & Used Nissan Dealer I...


[Login](#)
0
[Recently Viewed Cars](#)
0
[Saved Cars](#)
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[Price Alerts](#)
? Info Hide

SALES (877) 309-5410 **SERVICE** 718-934-3800
 [Select Language](#)
 2758 Coney Island Avenue Brooklyn, NY 11235



Kings Nissan
Search Inventory
Chat with Salesperson

Innovation that excites


[NEW](#)
[USED](#)
[COMMERCIAL](#)
[FINANCE](#)
[PARTS & SERVICE](#)
[COLLISION](#)
[SPECIALS](#)
[ABOUT](#)



INNOVATION THAT ADAPTS
ROGUE



INNOVATION THAT'S TOUGH
TITAN




[INVENTORY SPECIALS](#)
[VIEW ALL](#)
[HOLIDAY SPE](#)

Verlande Celestin

Verlande Celestin of Kings Nissan is available to answer your questions now!

[Live Chat](#)



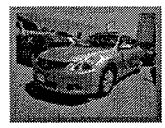
http://www.kingsnissan.com/index.htm#

start | 5 Micros... | 2 Windo... | 2 Micros... | 2 Adobe... | Kings Niss... | Search Desktop | 6:10 PM

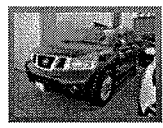
INVENTORY SPECIALS

VIEW ALL

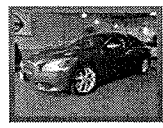
HOLIDAY SPECIALS



2010 Nissan Altima Sdn I4 CVT 2.5 SL
Finance
Price: \$16,995



2011 Nissan Armada 4WD Platinum
Finance
Price: \$33,995



2010 Nissan Maxima Sdn V6 CVT 3.5 SV
Finance
Price: \$21,995



SEARCH INVENTORY

All Years

All Models

All Body Styles

All Prices

SEARCH INVENTORY

Welcome to Kings Nissan



Verlande Celestin

Verlande Celestin of Kings Nissan is available to answer your questions now!

Live Chat



Exhibit 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KINGS NISSAN, INC.,

Plaintiff,

-against-

KINGS AUTOSHOW, INC. and
KINGS AUTOSHOW II, INC.

Defendants.

Docket No. CV-13-1085 (WFK) (JO)

RESPONSE TO FIRST
SET OF INTERROGATORIES

PLAINTIFF'S RESPONSE TO DEFENDANTS' INTERROGATORIES

Plaintiff Kings Nissan, Inc. (hereinafter "Plaintiff"), by and through their attorneys, Tutunjian & Bitetto, P.C., submit the following responses to the interrogatories served by Kings Autoshow, Inc. and Kings Autoshow II, Inc. (hereinafter "defendants") on November 25, 2013.

GENERAL OBJECTIONS

1. The following general objections are incorporated into each response herein as though set forth in full regardless of whether the Plaintiff also states a specific objection to an individual interrogatory. A specific response may repeat a general objection for emphasis or for some other reason. Failure to include any general objection in any specific response shall not be interpreted as a waiver of any general objection to that interrogatory.

2. Plaintiff objects to each interrogatory to the extent that it seeks information or documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other privilege. Plaintiff will not provide information protected from

disclosure by such privilege(s). The inadvertent production of any privileged information shall not be construed as a waiver of the Plaintiff's objection, privilege, or protection.

3. Plaintiff objects to each interrogatory to the extent that it seeks information not relevant to any claim or defense of any party or it otherwise exceeds the scope or limits of discovery contained in Federal Rule of Civil Procedure ("FRCP") 26.

4. Plaintiff objects to each interrogatory to the extent that it is overly broad, unlimited in time or unreasonably limited in time, or unduly burdensome, and therefore oppressive.

5. Plaintiff objects to each interrogatory to the extent that it seeks information already in the custody or control of defendants.

6. Plaintiff objects to each interrogatory to the extent that it seeks information regarding matters not referenced in the complaint. Such requests are overly broad and not within the scope of discovery.

7. Plaintiff objects to each interrogatory to the extent that it seeks information regarding products which are vaguely or ambiguously described.

INTERROGATORIES

1. Identify the person or persons who have the best knowledge of the marketing, promotion, advertising and sale of Plaintiff's products and services since 1958.

Salvatore Trantino. Title: Dealer principal. Address: Kings Nissan, 2758 Coney Island Ave., Brooklyn, NY 11235. Telephone: (718) 934-3900.

Enrico Trantino. Title: Executive manager. Address: Kings Nissan, 2758 Coney Island Ave., Brooklyn, NY 11235. Telephone: (718) 934-3900.

Plaintiff objects to this interrogatory as being overbroad to the extent that the identification instructions request residential telephone numbers and addresses. The above individuals may be contacted through counsel and the above business address suffices to meet any legitimate purpose that defendants may have. Insistence on obtaining residential address and telephone numbers could be calculated only to annoy or harass.

2. Describe in detail the channels of trade in which Plaintiff markets goods and services.

Plaintiff markets its goods and services using newspaper and magazine advertisements, radio advertisements, billboard advertisements, and Internet advertisements, reaching customers in the tri-state area and beyond.

3. Describe in detail the target consumer demographics for Plaintiff's goods and services.

The car-buying public in the tri-state area.

4. Identify the time, place and manner in which Plaintiff first became aware of either Defendants use of the KINGS AUTO SHOW trademark.

Plaintiff became aware of defendants within a year after they began operation through incidental exposure to their promotional material.

5. Set forth by geographic area from 1958 to the present, in units and dollars, Plaintiff's sales of each product or service.

Plaintiff objects to the interrogatory as being overbroad to the extent that it requests material before 1970, which corresponds to Plaintiff's date of first use as reflected in updated filings with the USPTO and New York State.

Many documents were destroyed in the flood following Hurricane Sandy. Figures between 1970 and 1985 are being called up from the manufacturers and will be provided as they become available. The following represent the number of cars sold by Kings Nissan from 1985 to the present as provided by Nissan Motor.

1985: 2276

1986: 2574

1987: 2238

1988: 1677

1989: 1227

1990: 1218

1991: 1328

1992: 1388

1993: 1634

1994: 2007

1995: 2249

1996: 1824

1997: 1766

1998: 1196

1999: 1308

2000: 1525

2001: 1214

2002: 1084

2003: 887

2004: 823

2005: 779

2006: 738

2007: 856

2008: 893

2009: 828

2010: 897

2011: 1206

2012: 1633

2013: 1589 (as of November)

6. Describe in detail each and every instance of actual consumer confusion between Plaintiff and a Defendant, including who said (or otherwise communicated) what to whom, and when the communication occurred.

No specific details regarding these occurrences were recorded. As such, Plaintiff cannot respond to this interrogatory.

7. Set forth the dollar value of the goodwill owned by Plaintiff and associated with each of the trademarks KINGS, KINGS NISSAN, NISSAN, and KINGS INFINITI.

Plaintiff objects to this request to the extent that it is overbroad and seeks information unrelated to the matter at issue. In particular, it should be noted that KINGS is a separate trademark from NISSAN AND INFINITI. Furthermore, the marks "NISSAN" and "INFINITI" are not owned by the Plaintiff.

To the extent that the interrogatory pertains to trademarks at issue in the present case, Plaintiff has not determined a dollar value for the goodwill associated with its trademark.

8. Explain in detail how Plaintiff differentiates between the value of the alleged goodwill associated with the trademarks KINGS and NISSAN.

Plaintiff objects to this request to the extent that it is overbroad and seeks information unrelated to the matter at issue. In particular, it should be noted that KINGS is a separate trademark from NISSAN AND INFINITI. Furthermore, the marks "NISSAN" and "INFINITI" are not owned by the Plaintiff.

KINGS and NISSAN are separate marks, owned by separate entities. The first is associated with automotive sales, while the second is associated with the automobiles themselves and their manufacturers. As such, the goodwill associated with each of the marks is unrelated.

9. Explain in detail how Plaintiff differentiates the value of the alleged goodwill associated with the trademarks KINGS and KINGS NISSAN.

Plaintiff objects to this request to the extent that it is overbroad and seeks information unrelated to the matter at issue. In particular, it should be noted that KINGS is a separate trademark from NISSAN AND INFINITI. Furthermore, the marks "NISSAN" and "INFINITI" are not owned by the Plaintiff.

There is no trademark "KINGS NISSAN". KINGS and NISSAN are separate marks, owned by separate entities. The first is associated with, e.g., the service of automotive sales, while the second is associated with the automobiles themselves.

10. If Plaintiff contends that the asserted mark KINGS creates connotations other than geographical significance in the minds of consumers of Plaintiff's products and services, set forth all bases for that contention and identify all evidence supporting that contention.

The mark KINGS has a secondary meaning associated with the services provided by Plaintiff based on Plaintiff's long use of the mark in commerce and based on the substantial capital invested in advertising. Although much evidence was lost in the flood caused by Hurricane Sandy, Plaintiff supplies documents relating to advertising expenditures and establishing its decades-long use of the mark.

11. Identify each person who answered, assisted in the preparation of answers or provided information used in responding to the Defendant's interrogatories, Defendant's request for production of documents and things, and Defendant's requests for admission, and specify the

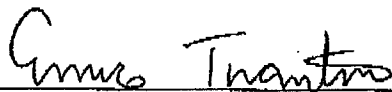
specific interrogatories or requests for which such person provided answers, assistance, information or documents.

Enrico Trantino, identified above, provided most of the information discussed above.

Information regarding sales numbers was obtained from Nissan Motor Company.

VERIFICATION

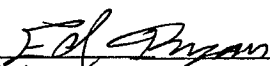
On behalf of Kings Nissan, Inc., I have read the foregoing responses to the interrogatories. The responses were prepared with the assistance and advice of counsel. They are based on records and information currently available. I reserve the right to make any changes or additions to any of the responses if it appears at any time that errors or omissions have been made or if more accurate or more complete information becomes available. Subject to those limitations, the responses are true to the best of my present knowledge, information and belief. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



Enrico Trantino, Executive Manager

This the 30th day of December, 2013.

As to objections:

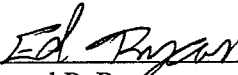


Edward P. Ryan (ER6661)
Tutunjian & Bitetto, P.C.
Attorneys for Plaintiffs
425 Broadhollow Rd., Suite 302
Melville, NY 11747
(631) 844-0080
edr@tb-iplaw.com

CERTIFICATE OF SERVICE

I hereby declare that the foregoing instrument was served upon the following this 30th day of December, 2013, by email.

DANIEL P. BURKE & ASSOCIATES, PLLC
240 Townsend Sq.
Oyster Bay, NY 11771
dburke@dpburke.com



Edward P. Ryan
Attorney for Defendants