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

Proceeding	91218304
Party	Defendant Marcus Asam, Mirjam Asam, Ruth Axel
Correspondence Address	WILLIAM C WRIGHT EPSTEIN DRANGEL LLP 60 E 42ND ST , STE 2410 NEW YORK, NY 10165-0011 UNITED STATES mail@ipcounselors.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	William C. Wright
Filer's e-mail	mail@ipcounselors.com
Signature	/William C. Wright/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

KOSAN KOZMETIK SANAYI VE TICARET
ANONIM SIRKETI,

OPPOSER,

V.

MIRJAM ASAM, MARCUS ASAM, and
AXEL RUTH


APPLICANTS.

Opp. No. 91218304

**APPLICANTS' MOTION FOR LEAVE TO
AMEND THEIR ANSWER TO ADD COUNTERCLAIMS**

Applicants MIRJAM ASAM, MARCUS ASAM, and AXEL RUTH ("ASAM") hereby
move for leave to amend their Answer to the Notice of Opposition to add counterclaims for

FlorMar

cancellation of Opposer's pleaded marks FLORMAR and  (FLORMAR TURK
MALI and Design") in Class 3 (collectively, "FLORMAR Marks") and the U.S. registrations
thereof, Reg. Nos. 4626632 and 4472860 ("FLORMAR Registrations"). This motion is
supported by the Declaration of William C. Wright in Support of Applicants' Motion for Leave
to Amend Their Answer to Add Counterclaims ("Wright Declaration") submitted herewith. A
proposed First Amended Answer to Notice of Opposition is also submitted herewith. Applicants'

counterclaims for cancellation are based on facts learned by Applicants during discovery. In particular, Applicants believe, based on information and belief, that Opposer: 1). did not have a bona fide intent to use in commerce the FLORMAR Marks for each and every item set forth in the FLORMAR Registrations since at least as early as the filing dates of its U.S. applications to register the FLORMAR Marks, 2). has never used in commerce its mark FLORMAR TURK MALI and Design for the goods set forth in its U.S. registration, Reg. No. 4472860, and Opposer has no intent to use said mark in the U.S.; and 3). has not used the mark FLORMAR for all of the goods set forth in its U.S. registration of the same mark, Reg. No. 4626632.

FACTS

On October 1, 2013, Applicants filed a U.S. application to register the mark FLORA MARE and Design, Ser. No. 86080166, in Class 3, and that application was approved for publication on July 22, 2014. On September 11, 2014, Opposer filed a Notice of Opposition, alleging a likelihood of confusion with its FLORMAR Marks. Applicants filed a timely Answer.

On February 3, 2015, Applicants served Opposer with a first round of interrogatories (“Interrogatories”) and document requests (“Requests”). Declaration of William C. Wright (“Wright Dec.”), ¶ 4 On March 13, 2015, Opposer served its responses to these Interrogatories and Requests. Wright Dec., ¶ 5, Ex. 1 Opposer’s responses to Applicants’ Requests failed to identify which documents were responsive to which request, and Opposer refused to supplement its responses. Wright Dec., ¶ 6, Ex. 2 On April 14, 2015, the Board Ordered that Opposer, within ten days of the Order, identify which documents were in fact responsive to which of Applicants’ Requests. Wright Dec., ¶ 7, Ex. 3 On April 21, 2014, Opposer served Applicants with its supplemental responses, identifying which documents were response to which of

**APPLICANTS SHOULD BE GRANTED LEAVE TO AMEND THEIR
ANSWER TO ADD A COUNTERCLAIM FOR CANCELLATION**

Based on Opposer's responses to Applicants' Interrogatories and Requests, Applicants' now seeks to amend their Answer to the Notice of Opposition to add counterclaims that the FLORMAR Registrations are void *ab initio*, and/or Opposer has abandoned any rights in and to the FLORMAR Marks.

Applicants have requested documents that show Opposer's intent to use and use of the FLORMAR Marks for all of the goods set forth in the FLORMAR Registrations, generally, and, where appropriate, Opposer's intent to use as of the filing dates of the applications to register its FLORMAR Marks. Specifically, Applicants have requested the following documents:

DOCUMENT REQUEST NO. 44: A representative sample of documents that shows that Opposer has a bona fide intent to use in U.S. commerce the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

DOCUMENT REQUEST NO. 45: A representative sample of documents that shows that Opposer as of January 18, 2012 had a bona fide intent to use in U.S. commerce the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

DOCUMENT REQUEST NO. 46: A representative sample of documents that shows that Opposer as of November 6, 2006 had a bona fide intent to use in U.S. commerce the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

DOCUMENT REQUEST NO. 47: A representative sample of documents that shows that Opposer as of July 29, 2013 had a bona fide intent to use in U.S. commerce

the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

DOCUMENT REQUEST NO. 48: A representative sample of documents that show Opposer's current use in U.S. commerce of the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

DOCUMENT REQUEST NO. 49: A representative sample of documents that

show Opposer's current use in U.S. commerce of the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601 for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

Opposer has failed to produce documents that show it had a bona fide intent to use in commerce the FLORMAR Marks on each and every item since at least as early as the application filing dates of its FLORMAR Registrations. In fact, the only documents that Opposer has produced to support its intent to use appear to relate to an assignment and current website print-outs; neither of which are relevant to Opposer's intent to use its FLORMAR Marks in the U.S. in the years in which it filed its U.S. applications therefor, namely, 2006 and 2012. Similarly, Opposer has failed to produce documents that show its use of the FLORMAR Marks on each item set forth in its FLORMAR Registrations. In fact, Opposer has conceded that it has not yet even used in commerce the mark

FLORMAR TURK MALI and Design and has responded to Applicants' Interrogatory No. 2, which calls for Opposer to identify and describe each Product sold under Opposer's Marks, by simply referring to its pleaded registration of FLORMAR TURK MALI and Design. Accordingly, based on the limited evidence that Opposer has produced, Applicants seeks to amend its Answer to add the aforesaid counterclaims. Wright Dec., ¶¶ 5,8, Exs. 1 and 4

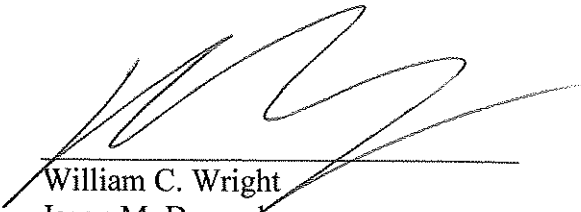
Fed. R. Civ. P. 15(a) provides that leave to amend pleadings shall be freely given when justice so requires. As stated by the Board in *Boral Ltd. v. FMC Corp.*, 59 USPQ2d 1701, 1702 (TTAB 2000): "[c]onsistent therewith, the Board liberally grants leave to amend pleadings at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the parties." *See also* TBMP §507.02(a). Applicants have made this motion within days of being in a position to determine which of Opposer's produced documents were responsive to Applicants' Requests. Wright Dec., ¶ 8, Ex. 4 Moreover, Opposer will not be prejudiced by the requested amendment, as discovery is still open, no testimony has been taken, and the case is in its pre-trial stage. *See, United States Olympic Committee v. O-M Bread Inc.*, 26 USPQ2d 1221, 1222 (TTAB 1993) (applicant not prejudiced because proceeding still in pre-trial phase); *Focus 21 International Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 USPQ2d 1316, 1318 (TTAB 1992)(motion to amend filed prior to opening of petitioner's testimony period permitted); *Caron Corp. v. Helena Rubinstein, Inc.*, 193 USPQ 113 (TTAB 1976)(neither party had yet taken testimony); *Mack Trucks, Inc. v. Monroe Auto Equip. Co.*, 182 USPQ 511, 512 (TTAB 1974) (applicant would not be unduly prejudiced since no testimony has yet been taken); TBMP § 507.02(a).

In light of the foregoing, Applicants respectfully request that the Board grant Applicants' leave to amend its answer to add counterclaims that the FLORMAR Registrations are void ab initio and/or the FLORMAR Marks have been abandoned for all or some of the goods set forth in the FLORMAR Registrations.

EPSTEIN DRANGEL, LLP
Attorneys for Applicants

Dated: April 30, 2015

BY:



William C. Wright
Jason M. Drangel
One Grand Central Place
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel. No.: (212) 292 5390
Fax. No.: (212) 292-5391

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANTS' MOTION FOR LEAVE TO AMEND TO ADD COUNTERCLAIMS was served by First Class Mail, with sufficient postage prepaid on this 30th day of April, 2015, upon Opposer's counsel:

P JAY HINES
MUNCY GEISSLER OLDS & LOWE PC
4000 LEGATO RD, STE 310
FAIRFAX, VA 22033
UNITED STATES

By: _____

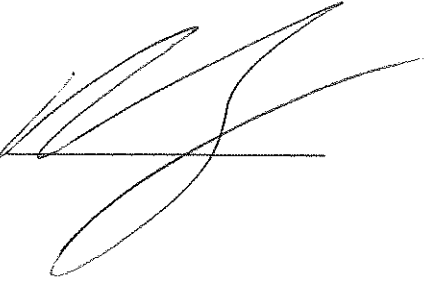
A handwritten signature in black ink, appearing to read "P Jay Hines", is written over a horizontal line. The signature is stylized with large, sweeping loops.

Exhibit 1

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

KOSANKOZMETIK SANAYIVETICARET
ANONIM SIRKETI,

OPPOSER,

v.

MIRJAM ASAM, MARCUS ASAM, and
AXEL RUTH

APPLICANT

Opp. No. 91218304

**OPPOSER'S RESPONSES TO APPLICANTS' FIRST SET OF
INTERROGATORIES**

Pursuant to Rule 33, Fed. R. Civ. P., and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Opposer provides the following answers to the first set of interrogatories of Applicant. These answers are based upon the best information presently available to Opposer, and best belief of its counsel, and are made without prejudice to the right of Opposer to make additional or modified answers should better or further information or belief subsequently become available to Opposer. Moreover, these answers are made without prejudice to any right of the Opposer to offer evidence on its behalf or to object to the relevance, competence or admissibility of any ground of any evidence or witness offered by Applicant; and these answers do not constitute an admission of competence or admissibility or evidence or a waiver of objection on any grounds.

GENERAL OBJECTIONS

1) Opposer objects to Applicant's discovery requests to the extent that they seek information that falls within the attorney-client privilege, that constitutes attorney work product, or that constitutes trial preparation materials on the grounds that matter within the attorney-client privilege is outside the scope of permissible discovery and that attorney work product and trial

preparation material, absent an appropriate showing, fall outside the scope of permissible discovery.

2) Opposer objects to Applicant's discovery requests to the extent they seek information that constitutes confidential, highly confidential business, or trade secret/commercially sensitive information, but will provide such information and documents in accordance with the terms of the Board's Standardized Protective Order.

3) Opposer objects to Applicant's discovery requests to the extent they seek discovery from third parties.

4) Opposer objects to Applicant's discovery requests to the extent they seek to impose obligations beyond those required by the Federal Rules of Civil Procedure.

5) Opposer objects to Applicant's discovery requests to the extent they seek information that is not within Opposer's possession, custody, or control; to the extent that the information is in the public domain and equally available to Applicant; or to the extent that the information is already in Applicant's possession.

6) Opposer objects to Applicant's discovery requests to the extent they are unreasonably broad, unduly burdensome, oppressive, vague or ambiguous.

7) Opposer objects to Applicant's discovery requests to the extent they seek information pertaining to matters outside of the United States.

8) Opposer's written responses are based on information presently available to and located by Opposer and its attorneys. As Opposer has not completed its investigation of the facts relating to this case, its discovery in this action, or its preparation for any hearing or trial, Opposer's written objections and written responses are made without prejudice to its right to supplement or amend its written objections and written responses and to present evidence discovered hereafter at any hearing or trial.

9) To the extent that specific general objections are cited herein in response to specific discovery requests, those specific objections are provided because they are believed to be particularly applicable to the discovery requests and are not to be construed as a waiver of any

other general objection applicable to information and documents falling within the scope of the request. Moreover, the production of any non-relevant information, whether or not in response to any discovery requests, is not to be construed as a waiver of a claim of irrelevancy.

Instructions and Term Definitions

All terms in each interrogatory should be interpreted broadly in line with their standard dictionary definitions.

INTERROGATORIES

INTERROGATORY NO. 1. Indicate the name and business address of each place of business which Opposer presently maintains in connection with trademark usage or trademark licensing in the United States, and describe the type of business activities in each place of business.

RESPONSE

Opposer itself does not have a business address or place of business in the United States. However, it has franchise partners and distributors in the United States, one of which operates retail stores at the Galleria at Crystal Run, 1 Galleria Drive, Middletown, NY 10941, Bay Plaza, 200 Baychester Avenue, Bronx, New York 10475, Destiny Mall, 9090 Destiny USA Dr., Syracuse, New York, 13204 and Patrick Henry, 12300 Jefferson Avenue, Newport News, Virginia 23602.

INTERROGATORY NO. 2. Identify and describe each Product sold under the Opposer's Marks.

RESPONSE

Opposer objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it seeks information regarding "each Product" and on the ground that the

material requested is as available to the Applicants as to the Opposer and are provided in Exhibit 1 of the Notice of Opposition.

INTERROGATORY NO. 3. Identify the date that you first used Opposer's Mark in commerce in the United States.

RESPONSE

Opposer first shipped products to the United State in January of 2014 but attended the Cosmoprof Las Vegas trade show in 2012 and 2013 and sent samples to the United States before the first shipments in January 2014.

INTERROGATORY NO. 4. Identify three (3) individuals most knowledgeable about the nature of the Opposer's business including the advertising, marketing, manufacturing, sales and/or licensing of Products bearing Opposer's Marks.

RESPONSE

Begüm Özdamar, Legal Counsel

Serkan Kabakçi

Sacha Hason

INTERROGATORY NO. 5. For each Product identified by Opposer in response to Interrogatory No. 2 as being sold under Opposer's Marks, set forth the amount of sales in dollars in the United States since the date of first use, broken down on a yearly basis.

RESPONSE

Opposer objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it seeks information regarding "each Product" and on the ground that it seeks Trade Secret/Commercially Sensitive material. However, without waiver of said objection, and subject to the Board's Standard Protective Order, Opposer will provide a representative sampling

of such information as is not immune, privileged or otherwise protected from discovery.

INTERROGATORY NO. 6. Identify the total amount of marketing and/or advertising expenditures for Products bearing Opposer's Marks in the United States incurred by Opposer.

RESPONSE

Opposer objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it is not limited in time and on the ground that it seeks Trade Secret/Commercially Sensitive material. However, without waiver of said objection, and subject to the Board's Standard Protective Order, Opposer will provide a representative sampling of such information as is not immune, privileged or otherwise protected from discovery.

INTERROGATORY NO. 7. Describe in detail the reasons for the selection, adoption or creation of Opposer's Marks, including any connotations or meanings underlying or intended to be conveyed by Opposer's Marks.

RESPONSE

Opposer selected its marks because "FlorMar" means flower of the sea.

INTERROGATORY NO. 8. Describe in detail the channels of trade through which Opposer's Products under the Opposer's Marks are sold.

RESPONSE

Opposer advertises and markets its goods to businesses, distributors, as well as other entity types and individuals in all trade channels using all forms of promotional media including websites, social media, retail outlets and all forms of traditional print media, digital marketing, trade show marketing, direct mail marketing, public relations, social media and email marketing.

INTERROGATORY NO. 9. Identify all third party uses, through license agreements

or otherwise, of Opposer's Marks in the United States of which Opposer is aware, including but not limited to uses of Opposer's Marks in the singular, plural, or uses in combination with other words, phrases or designs.

RESPONSE

Opposer objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it seeks information regarding "all third party uses." However, without waiver of said objection, Opposer states that it only has franchisees and distributors in the United States that sell its products, including Retail Group of America, **www.retailgroupamerica.com**, but no other licensees or others authorized to use the marks.

INTERROGATORY NO. 10. Identify any assignment, license, royalty or other permitted use agreements with respect to any Products bearing Opposer's Marks.

RESPONSE

Oppose objects to this interrogatory on the ground of relevance in that the question is not limited to the United States. However, without waiver of said objection, Opposer states that it only has franchisees and distributors in the United States that sell its products, including Retail Group of America, **www.retailgroupamerica.com**, but no other licensees or others authorized to use the marks.

INTERROGATORY NO. 11. Identify the target market and target consumers to whom Products bearing Opposer's Marks are sold.

RESPONSE

Young adult and adult female consumers in the United States.

INTERROGATORY NO. 12. Indicate the price range for each Product Opposer sells under Opposer's Marks.

RESPONSE

Opposer objects to this interrogatory on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13. Identify the specific media outlets through which Opposer advertises Products bearing Opposer's Marks in the United States.

RESPONSE

Facebook, Instagram, Twitter and YouTube.

INTERROGATORY NO. 14. Identify any websites through which Opposer currently advertises or sells Products bearing Opposer's Marks.

RESPONSE

www.flormar.com.

INTERROGATORY NO. 15. Identify and describe each Product that is used for promotional purposes under the Opposer's Marks.

RESPONSE

Opposer objects to this Request on the ground that it is unreasonably broad and unduly burdensome and on the ground that it is vague and ambiguous and for that reason it is incapable of being properly answered.

INTERROGATORY NO. 16. Identify, as precisely as you can, the date on which Opposer first became aware of any of Applicants' Marks, and describe how Opposer first became aware of each.

RESPONSE

Opposer received a watch notice on or about July 29, 2014.

INTERROGATORY NO. 17. Identify all other uses by Opposer of the term FLORMAR alone or in combination with other elements.

RESPONSE

Opposer objects to this interrogatory on the grounds that it is overly broad and unduly burdensome in that it seeks information regarding “all other uses” and on the ground that it is vague and ambiguous and for that reason it is incapable of being properly answered.

INTERROGATORY NO. 18. Identify any communication or instance where a person has contacted or communicated with Opposer believing that Opposer or Products sold under Opposer's Marks are related to, sponsored by, affiliated with, or controlled by Applicants.

RESPONSE

Opposer objects to this interrogatory given that Applicant has not yet commenced use, it would not yet be possible for confusion to arise.

INTERROGATORY NO. 19. Identify all persons who have participated in any way in the preparation of the answer or responses to these Interrogatories. If more than one individual is identified, state specifically, with reference to Interrogatory numbers, the areas of participation of each such person.

RESPONSE

P. Jay Hines


Begüm Özdamar

Serkan Kabakçi

Sacha Hason

Respectfully submitted,

Date: March 13, 2015

By: 

P. Jay Hines

Muncy, Geissler, Olds & Lowe, P.C.

4000 Legato Road, Suite 310

Fairfax, Virginia 22033

Telephone: 703-621-7140

Fax: 703-621-7155

Email: **mailroom@mg-ip.com**

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of OPPOSER'S RESPONSES TO APPLICANTS'

FIRST SET OF INTEROGATORIES was served on by regular U.S. mail, postage prepaid, this
13th day of March 2015 to:

William C. Wright

Jason M. Drangel

Robert L. Epstein

Epstein Drangel LLP

60 East 42nd Street, Suite 2410

New York, New York 10165



Akiyo Yoshida

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

KOSANKOZMETIK SANAYIVETICARET
ANONIM SIRKETI,

Opp. No. 91218304

OPPOSER,

v.

MIRJAM ASAM, MARCUS ASAM, and
AXEL RUTH

APPLICANT

**OPPOSER'S RESPONSES TO APPLICANTS' FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND
THINGS**

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Opposer hereby responds to the following requests for production of document and things.

GENERAL OBJECTIONS

The objections included in Opposer's Responses to Petitioner's First Set of Interrogatories are incorporated herein by reference.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1: All documents which refer to, relate to, or evidence Opposer's first use in interstate commerce of Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 2: All documents relating to any application ever filed in the United States for federal or state registration of Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and on the ground that the material requested is as available to the Applicants as to the Opposer. In particular, Opposer would have to obtain the requested information from sources equally accessible to the Applicants, the USPTO.

DOCUMENT REQUEST NO. 3: All documents that constitute, evidence, reflect, describe, refer to, or relate to the selection or creation of Opposer's Marks, or any reason why Opposer selected, adopted or applied to register the Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer states that it does not have any responsive documents in its possession.

DOCUMENT REQUEST NO. 4: All documents evidencing, reflecting, or referring to the selection, availability, adoption, creation, design, use or proposed use of Opposer's Marks, including without limitation, any notes from any meetings or any telephone or video conferences at which such topics were discussed.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and to the extent that it is repetitive of Request 3. However, notwithstanding said objection, Opposer states that it does not have any responsive documents in its possession.

DOCUMENT REQUEST NO. 5: Documents relating to the manufacturing or development of Products to be used with Opposer's Marks in the United States.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 6: All licenses, agreements, consents or other documents concerning third-party use of Opposer's Marks in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer states that it has given a franchise right to Retail Group of America.

DOCUMENT REQUEST NO. 7: All documents concerning third-party use of Opposer's Marks, whether authorized or unauthorized, in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 8: Representative documents evidencing each Product with which the Opposer's Marks are used in the United States.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 9: Samples of Products sold in the United States under the Opposer's Marks, with the marks clearly affixed in the ordinary manner in which the marks are affixed to goods for sale by others authorized by, or in conjunction with, Opposer, in the ordinary course of business.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 10: A sample of the complete packaging in which each Product sold or distributed by Opposer in the United States under the Opposer's Marks is:

- 1) shipped from Opposer to Opposer's customers;
- 2) displayed at the point of sale to the ultimate users; and/or
- 3) contained when sold or distributed to the ultimate users.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 11: Documents evidencing Opposer's yearly sales (in dollars) in the United States of Products bearing Opposer's Marks.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business

information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence. However, without waiver of said objection, and subject to the Board's Standard Protective Order, Opposer states that it has responsive "Trade Secret/Commercially Sensitive" material that will only be produced to outside counsel under the Standard Protective Order.

DOCUMENT REQUEST NO. 12: Representative invoices evidencing the sale of each Product on which Opposer's Marks are used, for each year since the date of first use of Opposer's Marks.

RESPONSE

Oppose objects to this request on the ground of relevance in that the question is not limited to the United States. Opposer further objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. However, notwithstanding said objections, Opposer states that it has responsive "Trade Secret/Commercially Sensitive" material that will only be produced to outside counsel under the Standard Protective Order.

DOCUMENT REQUEST NO. 13: Representative documents identifying the number of Products bearing Opposer's Marks sold by Opposer in the United States.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. However, notwithstanding said objection,

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 14: Representative documents identifying Products bearing Opposer's Marks that are, or were, sold or advertised by Opposer in the United States.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 15: All documents identifying Products Opposer plans to sell, market or develop in the United States under the Opposer's Marks in the future.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and to the extent that it seeks confidential business information. However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 16: Any tags or labels used by Opposer in connection with the sale of Products under the Opposer's Marks in the United States.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 17: Samples of promotional and advertising materials used or sold by Opposer in the United States, on which Opposer's Marks (alone or

in connection with other elements) are printed, embossed, stamped, or otherwise affixed, whether or not such materials have been published or used in commerce.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 18: A representative sample of documents relating to the advertising in the United States of any Products sold by Opposer under Opposer's Marks, including invoices for advertising services, for each year Opposer's Marks have been used.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Opposer maintains a website accessible from the US by US customers but Opposer should not need to produce documents related to maintaining the website. Opposer maintains a Facebook page, a YouTube page, a Twitter page and an Instagram page but Opposer should not need to produce documents related to maintaining these sites. Opposer has retail outlets in the United States but Opposer should not need to produce documents related to operating its US outlets.

DOCUMENT REQUEST NO. 19: A representative sample of documents relating to the promotion and marketing, including, but not limited to, point of sale and point of purchase materials, of any Products sold by Opposer in the United States under Opposer's Marks, for each year the mark have been used.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 20: All documents identifying the channels of trade through which Products bearing Opposer's Marks are sold in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 21: All documents relating or referring to the targeted consumers for any Products bearing the Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 22: A listing of Opposer's distributors in the United States for Products sold under Opposer's Marks.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor reasonably calculated to lead to the discovery of admissible

evidence. Opposer's distributors are its customers. Customer names are not discoverable even under Protective Order. TBMP § 414.

DOCUMENT REQUEST NO. 23: A listing of all third parties licensed by Opposer to use Opposer's Marks in connection with the sale or marketing of Products in the United States.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. However, without waiver of said objection, Opposer states that it only has franchisees and distributors in the United States that sell its products, including Retail Group of America, **www.retailgroupamerica.com**, but no other licensees or others authorized to use the marks.

DOCUMENT REQUEST NO. 24: Samples of all marketing and promotional materials, including, without limitation, labels, tags, packaging, brochures, advertisements, pamphlets, manuals, Product information sheets, and any other promotional merchandise or literature, on which Opposer's Marks have been printed, embossed, stamped, or otherwise affixed, whether or not such materials have been published or used in commerce.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 25: All documents in Opposer's possession or control that refer or relate to Applicants or to Applicants' Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and on the ground that it is vague and ambiguous in that it pertains to Applicant's mark and Applicant's goods which are not yet in use. Opposer further objects to this document request on the ground that representative documents are public and already in the possession of Applicant.

DOCUMENT REQUEST NO. 26: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that Opposer conducted, caused to be conducted, or obtained in connection with the selection of the Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Oppose states that there are none for the US.

DOCUMENT REQUEST NO. 27: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Applicants, Applicants' Marks, Opposer, or Opposer's Marks, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly

burdensome in that it seeks "all documents." However, notwithstanding said objection, Oppose states that there are none for the US.

DOCUMENT REQUEST NO. 28: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Applicants' Mark, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds of being repetitive of request 27.

DOCUMENT REQUEST NO. 29: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Opposer, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds of being repetitive.

DOCUMENT REQUEST NO. 30: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Opposer's Marks, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds of being repetitive.

DOCUMENT REQUEST NO. 31: All communications with any person other than

Applicants concerning a dispute or potential dispute between Opposer and Applicants regarding trademark or trade dress ownership rights in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer states that there are none.

DOCUMENT REQUEST NO. 32: All documents that constitute, evidence, reflect, describe, refer to, or relate to any investigation, trademark search, inquiry, survey, poll, consumer perception study, focus group study, market research study, or other search, survey, poll, study, or investigation that relates to any mark that includes or consists of the term FLORMAR.

RESPONSE

Opposer objects to this request on the grounds of being repetitive.

DOCUMENT REQUEST NO. 33: All documents that constitute, evidence, reflect, describe, refer to, or relate to any confusion expressed or experienced by any person between Opposer's Marks and Applicants' Mark, or between any Product offered for sale under Opposer's Marks and any Product offered for sale under Applicants' Mark.

RESPONSE

Opposer objects to this Request on the ground that it is unreasonably broad, unduly burdensome, oppressive, vague and ambiguous. As Applicants have not yet commenced use of their mark, Opposer could not as yet have documented any instances of actual confusion in the US. However, Opposer reserves the right to supplement its response.

DOCUMENT REQUEST NO. 34: All documents identifying any domain names

or websites owned or operated by Opposer that include Opposer's Marks, alone or in combination with other elements.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Opposer maintains a website at **www.flormar.com** accessible from the US by US customers but Opposer should not need to produce documents related to maintaining the website.

DOCUMENT REQUEST NO. 35: All documents identifying any domain names or websites owned or operated by third parties through which Products bearing Opposer's Marks are sold or marketed.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 36: All documents on which Opposer intends to rely on in this proceeding, including all documents that Opposer intends to offer in evidence in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature

disclosure of Opposer's testimony; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 37: All documents identifying, referring to or relating to any person whom Opposer intends to call as a fact or expert witness in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 38: All documents Opposer has provided or shown to any person whom Opposer intends to call as a fact or expert witness in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 39: All documents relied upon, either in whole or

in part, as a basis for any opinion rendered or to be rendered by an expert witness whom Opposer may call to testify in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 40: All statements, affidavits, declarations, reports and communications Opposer has received from any person who is expected to give expert testimony as an expert witness on behalf of Opposer in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 41: All documents identified by Opposer in response to Applicants' First Set of Interrogatories served contemporaneously herewith.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly

burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 42: All documents that Opposer was required to identify, or from which Opposer obtained information, in responding to Applicants' First Set of Interrogatories, served simultaneously with the Document Requests, and which documents have not been otherwise produced in response to the Document Requests.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and on the grounds of being repetitive.

DOCUMENT REQUEST NO. 43: All documents that Opposer contends are relevant to this proceeding.

RESPONSE

Opposer objects to this request on the ground that it is unreasonably broad and unduly burdensome and on the ground that it is vague and ambiguous and for that reason it is incapable of being properly answered.

DOCUMENT REQUEST NO. 44: A representative sample of documents that shows that Opposer has a bona fide intent to use in U.S. commerce the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers,

perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 45: A representative sample of documents that shows that Opposer as of January 18, 2012 had a bona fide intent to use in U.S. commerce the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 46: A representative sample of documents that shows that Opposer as of November 6, 2006 had a bona fide intent to use in U.S. commerce the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS,

HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 47: A representative sample of documents that shows that Opposer as of July 29, 2013 had a bona fide intent to use in U.S. commerce the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS

FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

RESPONSE

Opposer states that it has not yet used the mark FLORMAR TURK MALI in the United States, only FLOMAR and FLORMAR PROFESSIONAL MAKE UP.

DOCUMENT REQUEST NO. 48: A representative sample of documents that show Opposer's current use in U.S. commerce of the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

DOCUMENT REQUEST NO. 49: A representative sample of documents that show Opposer's current use in U.S. commerce of the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601 for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND

BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

RESPONSE

Opposer states that it has not yet used the mark FLORMAR TURK MALI in the United States, only FLOMAR and FLORMAR PROFESSIONAL MAKE UP.

DOCUMENT REQUEST NO. 50: Any documents, pertaining to the assignment of the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, from SENBAY GENEL KIMYA VE DIS TICARET ANONIM SIRKETI to Opposer.

RESPONSE

Opposer objects to this request on the ground that the material requested is as available to the Applicants as to the Opposer. In particular, Opposer would have to obtain the requested information from sources equally accessible to the Applicants, namely the U.S. Patent and Trademark Office.

DOCUMENT REQUEST NO. 51: Any documents between SENBAY GENEL

KIMYA VE DIS TICARET ANONIM SIRKETI to Opposer, concerning the mark
FLORMAR TURK MALI, as reflected in Ser. No. 76668601.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 52: A representative sample of documents that show each good that Opposer currently sells in the U.S. bearing that the mark FLORMAR as or as part of a trademark.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery.

Respectfully submitted,

Date: March^B, 2015

By: 

P. Jay Hines
Muncy, Geissler, Olds & Lowe, P.C.
4000 Legato Road, Suite 310
Fairfax, Virginia 22033
Telephone: 703-621-7140
Fax: 703-621-7155
Email: **mailroom@mg-ip.com**

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of OPPOSER'S RESPONSES TO APPLICANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was served on by regular U.S. mail, postage prepaid, this 3rd day of March 2015 to:

William C. Wright

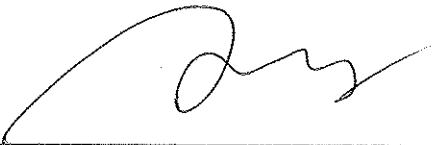
Jason M. Drangel

Robert L. Epstein

Epstein Drangel LLP

60 East 42nd Street, Suite 2410

New York, New York 10165



Akiyo Yoshida

Exhibit 2

William C. Wright

From: Jay Hines <jh@mg-ip.com>
Sent: Monday, April 13, 2015 11:08 AM
To: William C. Wright
Subject: RE: Kosan Kozmetik v. Mirjam Asam, Marcu Asam and Axel Ruth; Opposition Proceeding No. 91218304

Thank you.

From: William C. Wright [mailto:bwright@ipcounselors.com]
Sent: Monday, April 13, 2015 11:01 AM
To: Jay Hines
Subject: RE: Kosan Kozmetik v. Mirjam Asam, Marcu Asam and Axel Ruth; Opposition Proceeding No. 91218304

The Interlocutory Attorney has scheduled a call for 10 a.m.

William C. Wright | Epstein Drangel LLP
60 East 42nd Street, Suite 2410, New York, NY 10165
T: 212-292-5390 (Main) | F: 212-292-5391 | E: bwright@ipcounselors.com
T: 646-392-9411 (Direct)

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From: Jay Hines [mailto:jh@mg-ip.com]
Sent: Monday, April 13, 2015 10:12 AM
To: William C. Wright
Subject: RE: Kosan Kozmetik v. Mirjam Asam, Marcu Asam and Axel Ruth; Opposition Proceeding No. 91218304

Bill,

Yes anytime tomorrow is fine.

Thank you,

Jay

Muncy, Geissler, Olds & Lowe, P.C.
4000 Legato Road, Suite 310
Fairfax, Virginia 22033
Email: jh@mg-ip.com
Phone: 703-621-7140 X 140
Fax: 703-621-7155
Website: www.mg-ip.com

From: William C. Wright [mailto:bwright@ipcounselors.com]
Sent: Monday, April 13, 2015 9:10 AM
To: Jay Hines
Subject: RE: Kosan Kozmetik v. Mirjam Asam, Marcu Asam and Axel Ruth; Opposition Proceeding No. 91218304

Jay,

Your responses are inadequate, and I again maintain we have no way of knowing, based on your document production, which documents are responsive to which of our requests.

Accordingly, please let me know if you are available Tuesday to have a call with the Interlocutory Attorney.

Thanks,

Bill

William C. Wright | Epstein Drangel LLP
60 East 42nd Street, Suite 2410, New York, NY 10165
T: 212-292-5390 (Main) | F: 212-292-5391 | E: bwright@ipcounselors.com
T: 646-392-9411 (Direct)

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From: Jay Hines [mailto:jh@mg-ip.com]
Sent: Thursday, April 09, 2015 2:11 PM
To: William C. Wright
Subject: RE: Kosan Kozmetik v. Mirjam Asam, Marcu Asam and Axel Ruth; Opposition Proceeding No. 91218304

Bill,

We respond as follows:

Int. No. 2 – This has been answered. In addition, we are happy to refer to our client's website featuring all of the products sold in the US.

Int. No. 10 – Confirmed. I will see if the client can produce any portion of the Head of Terms agreement with Retail Group of America under Turkish law, possibly in redacted form.

Doc. Requests – Opposer has produced documents as they are kept in the ordinary course of business in accordance with Fed. R. Civ. P. 34(b)(i) and TBMP § 406.04(b). Opposer's production is not so large that it needs to be organized and labeled to correspond to the requests, which Opposer maintains is not required in Board proceedings no matter how large the production.

No. 5 – Opposer maintains its position on this. Opposer's US products are identified on the website and in its US filings.

No. 6 – Confirmed and addressed above.

Nos. 30 and 32 – Opposer maintains its objections and states that there are no responsive documents.

Nos. 50 and 51 – Opposer maintains its objections, but will inquire with the client again.

Thanks,
Jay

Muncy, Geissler, Olds & Lowe, P.C.
4000 Legato Road, Suite 310
Fairfax, Virginia 22033
Email: jh@mg-ip.com
Phone: 703-621-7140 X 140
Fax: 703-621-7155
Website: www.mg-ip.com

From: William C. Wright [<mailto:bwright@ipcounselors.com>]
Sent: Tuesday, April 07, 2015 1:37 PM
To: Jay Hines
Subject: RE: Kosan Kozmetik v. Mirjam Asam, Marcu Asam and Axel Ruth; Opposition Proceeding No. 91218304
Importance: High

Jay,

I have now had the opportunity to review, in detail, your client's deficient discovery responses, and my comments thereon are set forth below.

ROGs:

1. NO. 2 – We are happy to limit the request to the each Product sold in the U.S. which is set forth in your client's U.S. registrations, Reg. Nos. 4626632 and 4472860. Please supplement.
2. No. 10 – Please confirm there are no other agreements, other than the agreement with Retail Group of America. Additionally, we again renew our request to produce the Retail Group of America agreement, as we see no reason as to why such an agreement would not be discoverable under the Board's Protective Order.

RFPs:

1. It is well established that "[w]hile the specific information a producing party must provide when organizing a production "in the usual course of business" may vary in its details according to the type of document or file produced, it is clear that parties are entitled under the Federal Rules to rationally organized productions so that they may readily identify documents, including ESI, that are responsive to their production requests." *City of Colton v. Am. Promotional Events, Inc.*, 277 F.R.D. 578, 585 (C.D. Cal. 2011)". In this case, we have no information that the documents that have been produced have been in the usual course and there is nothing that allows us to rationally organize productions so that we may readily identify documents that are responsive to our production requests. Accordingly, please

immediately advise which documents are responsive to which requests, including but not limited to, Nos. 44-49.

2. No. 5 – Manufacturing and development goes to exactly which products are being used in the U.S. and/or your client's intent to use. Please supplement.
3. No. 6 - Please confirm there are no other agreements other than the agreement with Retail Group of America. Additionally, we again renew our request to produce the Retail Group of America agreement, as we see no reason as to why such an agreement would not be discoverable under the Board's Protective Order.
4. Nos. 30 and 32 – No responsive documents have been produced for either Nos. 30 or 32.
5. Nos. 50 and 51 – All documents prior to execution are certainly not privileged. Moreover, any documents such as purchase agreements or the like are clearly discoverable. Please supplement.

Please provide us with your complete responses on or before **April 10, 2015**.

Thanks,

Bill

William C. Wright | Epstein Drangel LLP

60 East 42nd Street, Suite 2410, New York, NY 10165

T: 212-292-5390 (Main) | F: 212-292-5391 | E: bwright@ipcounselors.com

T: 646-392-9411 (Direct)

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Exhibit 3

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: April 14, 2015

Opposition No. 91218304

*Kosan Kozmetik Sanayi Ve Ticaret Anonim
Sirketi*

v.

Marcus Asam, Mirjam Asam, and Ruth Axel

**George C. Pologeorgis,
Interlocutory Attorney:**

On Tuesday, April 14, 2015 at 10:00 a.m. EDT, the Board, at the request of Applicants' counsel, held a telephone conference with counsel for each party regarding a discovery dispute between the parties.

During the telephone conference, Applicants maintained that, although Opposer responded to Applicant's document requests, Opposer has refused to specify which documents relate to specific document requests. Applicants argued that Opposer's document production is therefore insufficient and thus request that the Board order Opposer to identify (by the bates numbers affixed to each document) which documents Opposer contends are responsive to each specific document request.¹

¹ The Board construes Applicants' request as a motion to compel proper production of documents responsive to their document requests.

Opposer argued that its document production was proper because the documents were produced on Applicants “as they are kept in the usual course of business” and, therefore, is in compliance with Fed. R. Civ. P. 34(b).

Decision

Under Fed. R. Civ. P. 34(b)(2)(E)(i), a party has two options to respond to a request for documents. The party can “produce documents as they are kept in the usual course of business *or* must organize and label them to correspond to the categories in the request.” Fed. R. Civ. P. 34(b)(2)(E)(i) (emphasis added). The provision authorizing production in accordance with the second option was added to Rule 34(b) to prevent parties from “deliberately ... mix[ing] critical documents with others in the hope of obscuring significance.” *See* Advisory Committee Note for 1980 Amendment to Rule 34 (quoting Report of the Special Committee for the Study of Discovery Abuse, Section of Litigation of the American Bar Association (1977)).

A party who elects to produce documents as they are kept in the usual course of business bears the burden of proving that the documents were in fact produced in that manner. *Pass & Seymour, Inc. v. Hubbell Inc.*, 255 F.R.D. 331, 334 (N.D.N.Y.2008) (citing *Johnson v. Kraft Foods North America, Inc.*, 236 F.R.D. 535, 540 (D.Kan.2006); *Cardenas v. Dorel Juvenile Group, Inc.*, 230 F.R.D. 611, 618 (D.Kan.2005)). “To carry this burden, a party must do more than merely represent to the court and the requesting party that the documents have been produced as they are maintained.” *Id.* (citing *Johnson*, 236 F.R.D. at 540–41; *Cardenas* 230 F.R.D. at 618). Indeed, when a party chooses to produce documents as they are

Opposition No. 91218304

kept in the usual course of business, Rule 34 “contemplates that [the responding] party ... disclose information to the requesting party regarding how the documents are organized in the [responding] party's ordinary course of business.” *Pass & Seymour*, 255 F.R.D. at 335. Such information should include where the documents were maintained, the identity of the custodian of the documents, and whether the documents were from a single source or multiple sources or files. See *Johnson*, *supra*, 236 F.R.D. at 541.

During the telephone conference, the parties advised that Applicants propounded 54 document requests on Opposer. Opposer's counsel advised that it timely produced 84 responsive documents to Applicants' document requests on March 8, 2015. Opposer's counsel further stated during the telephone conference that he advised Applicants' counsel via email (but only after the document production was made) that the responsive documents were produced as they are maintained in the usual course of Opposer's business.

Upon careful review of the circumstances of this case and the information now provided by the parties during the telephone conference, the Board finds that Opposer has failed to provide any information about the manner in which the referenced documents were produced, i.e., where these documents were maintained or who maintained them and whether the documents came from one single source or file or from multiple sources or files. Indeed, Opposer merely stated that it produced responsive documents as they are kept in Opposer's usual course of business. However, as noted above, merely representing to the Board and to

Opposition No. 91218304

Applicants that responsive documents have been produced as they are maintained is insufficient without a showing on how the documents are organized in Opposer's ordinary course of business.

In light of the foregoing, the Board finds that Opposer has not met its burden to establish that it produced these documents "as they are kept in the usual course of business." As the documents have already been provided, the Board finds that the most appropriate remedy is to require Opposer to identify by Bates number which documents are responsive to each request.

Accordingly, Applicants' construed motion to compel is **GRANTED** to the extent that Opposer is allowed until **April 24, 2015** to serve amended discovery responses to Applicants' document requests by identifying by Bates stamp number which documents are responsive to which requests.²

Trial Schedule

Trial dates remain as set forth in the Board's September 11, 2014, institution order.

² If Opposer fails to comply with this order, Applicants' remedy lies in a motion for sanctions, pursuant to Trademark Rule 2.120(g)(1). Furthermore, the parties are reminded that a party that has responded to a discovery request has a duty to supplement or correct that response. *See* Fed. R. Civ. P. 26(e).

Exhibit 4

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

KOSANKOZMETIK SANAYIVETICARET
ANONIM SIRKETI,

OPPOSER,

v.

MIRJAM ASAM, MARCUS ASAM, and
AXEL RUTH

APPLICANT

Opp. No. 91218304

**OPPOSER'S RESPONSES TO APPLICANTS' FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND
THINGS**

Pursuant to 37 C.F.R. § 2.120 and Rules 26 and 34 of the Federal Rules of Civil Procedure, Opposer hereby responds to the following requests for production of document and things.

GENERAL OBJECTIONS

The objections included in Opposer's Responses to Petitioner's First Set of Interrogatories are incorporated herein by reference.

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1: All documents which refer to, relate to, or evidence Opposer's first use in interstate commerce of Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00021 through KOSAN00024 and KOSAN00070

through KOSAN00084.

DOCUMENT REQUEST NO. 2: All documents relating to any application ever filed in the United States for federal or state registration of Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and on the ground that the material requested is as available to the Applicants as to the Opposer. In particular, Opposer would have to obtain the requested information from sources equally accessible to the Applicants, the USPTO.

DOCUMENT REQUEST NO. 3: All documents that constitute, evidence, reflect, describe, refer to, or relate to the selection or creation of Opposer's Marks, or any reason why Opposer selected, adopted or applied to register the Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer states that it does not have any responsive documents in its possession.

DOCUMENT REQUEST NO. 4: All documents evidencing, reflecting, or referring to the selection, availability, adoption, creation, design, use or proposed use of Opposer's Marks, including without limitation, any notes from any meetings or any telephone or video conferences at which such topics were discussed.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and to the extent that it is repetitive of Request 3. However, notwithstanding said objection, Opposer states that it does not have any responsive

documents in its possession.

DOCUMENT REQUEST NO. 5: Documents relating to the manufacturing or development of Products to be used with Opposer's Marks in the United States.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 6: All licenses, agreements, consents or other documents concerning third-party use of Opposer's Marks in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer states that it has given a franchise right to Retail Group of America. KOSAN00085 through KOSAN00087.

DOCUMENT REQUEST NO. 7: All documents concerning third-party use of Opposer's Marks, whether authorized or unauthorized, in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00003 through KOSAN00020 and KOSAN00085 through KOSAN00087.

DOCUMENT REQUEST NO. 8: Representative documents evidencing each Product with which the Opposer's Marks are used in the United States.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00047.

DOCUMENT REQUEST NO. 9: Samples of Products sold in the United States under the Opposer's Marks, with the marks clearly affixed in the ordinary manner in which the marks are affixed to goods for sale by others authorized by, or in conjunction with, Opposer, in the ordinary course of business.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00047.

DOCUMENT REQUEST NO. 10: A sample of the complete packaging in which each Product sold or distributed by Opposer in the United States under the Opposer's Marks is:

- 1) shipped from Opposer to Opposer's customers;
- 2) displayed at the point of sale to the ultimate users; and/or
- 3) contained when sold or distributed to the ultimate users.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00047.

DOCUMENT REQUEST NO. 11: Documents evidencing Opposer's yearly sales

(in dollars) in the United States of Products bearing Opposer's Marks.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor is it reasonably calculated to lead to the discovery of admissible evidence. However, without waiver of said objection, and subject to the Board's Standard Protective Order, Opposer states that it has responsive "Trade Secret/Commercially Sensitive" material that will only be produced to outside counsel under the Standard Protective Order.

DOCUMENT REQUEST NO. 12: Representative invoices evidencing the sale of each Product on which Opposer's Marks are used, for each year since the date of first use of Opposer's Marks.

RESPONSE

Oppose objects to this request on the ground of relevance in that the question is not limited to the United States. Opposer further objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. However, notwithstanding said objections, Opposer states that it has responsive "Trade Secret/Commercially Sensitive" material that will only be produced to outside counsel under the Standard Protective Order.

DOCUMENT REQUEST NO. 13: Representative documents identifying the number of Products bearing Opposer's Marks sold by Opposer in the United States.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00047.

DOCUMENT REQUEST NO. 14: Representative documents identifying Products bearing Opposer's Marks that are, or were, sold or advertised by Opposer in the United States.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00047.

DOCUMENT REQUEST NO. 15: All documents identifying Products Opposer plans to sell, market or develop in the United States under the Opposer's Marks in the future.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and to the extent that it seeks confidential business information. However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN 00047.

DOCUMENT REQUEST NO. 16: Any tags or labels used by Opposer in connection with the sale of Products under the Opposer's Marks in the United States.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00047.

DOCUMENT REQUEST NO. 17: Samples of promotional and advertising materials used or sold by Opposer in the United States, on which Opposer's Marks (alone or in connection with other elements) are printed, embossed, stamped, or otherwise affixed, whether or not such materials have been published or used in commerce.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00048 through KOSAN00068.

DOCUMENT REQUEST NO. 18: A representative sample of documents relating to the advertising in the United States of any Products sold by Opposer under Opposer's Marks, including invoices for advertising services, for each year Opposer's Marks have been used.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Opposer maintains a website accessible from the US by US customers but Opposer should not need to produce documents related to maintaining the website. Opposer maintains a Facebook page, a YouTube page, a Twitter page and an Instagram page but Opposer should not need to produce documents related to maintaining these sites. Opposer has retail outlets in the United States but Opposer should not need to produce documents related to operating its US outlets.

DOCUMENT REQUEST NO. 19: A representative sample of documents relating to the promotion and marketing, including, but not limited to, point of sale and point of purchase materials, of any Products sold by Opposer in the United States under Opposer's Marks, for each year the mark have been used.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00048 through KOSAN00068.

DOCUMENT REQUEST NO. 20: All documents identifying the channels of trade through which Products bearing Opposer's Marks are sold in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00003 through KOSAN00020 and KOSAN00048 through KOSAN00068.

DOCUMENT REQUEST NO. 21: All documents relating or referring to the targeted consumers for any Products bearing the Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00003 through KOSAN00020 and KOSAN00048 through KOSAN00068.

DOCUMENT REQUEST NO. 22: A listing of Opposer's distributors in the United States for Products sold under Opposer's Marks.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Opposer's distributors are its customers. Customer names are not discoverable even under Protective Order. TBMP § 414.

DOCUMENT REQUEST NO. 23: A listing of all third parties licensed by Opposer to use Opposer's Marks in connection with the sale or marketing of Products in the United States.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. However, without waiver of said objection, Opposer states that it only has franchisees and distributors in the United States that sell its products, including Retail Group of America, www.retailgroupamerica.com, but no other licensees or others authorized to use the marks.

DOCUMENT REQUEST NO. 24: Samples of all marketing and promotional materials, including, without limitation, labels, tags, packaging, brochures, advertisements, pamphlets, manuals, Product information sheets, and any other promotional merchandise or literature, on which Opposer's Marks have been printed, embossed, stamped, or otherwise

affixed, whether or not such materials have been published or used in commerce.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00068.

DOCUMENT REQUEST NO. 25: All documents in Opposer's possession or control that refer or relate to Applicants or to Applicants' Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and on the ground that it is vague and ambiguous in that it pertains to Applicant's mark and Applicant's goods which are not yet in use. Opposer further objects to this document request on the ground that representative documents are public and already in the possession of Applicant.

DOCUMENT REQUEST NO. 26: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that Opposer conducted, caused to be conducted, or obtained in connection with the selection of the Opposer's Marks.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Oppose states that there are none for the US.

DOCUMENT REQUEST NO. 27: All trademark searches, surveys, polls,

consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Applicants, Applicants' Marks, Opposer, or Opposer's Marks, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Oppose states that there are none for the US.

DOCUMENT REQUEST NO. 28: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Applicants' Mark, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds of being repetitive of request 27.

DOCUMENT REQUEST NO. 29: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other investigations, searches, studies, or reports that include any reference to Opposer, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds of being repetitive.

DOCUMENT REQUEST NO. 30: All trademark searches, surveys, polls, consumer perception studies, focus group studies, market research studies, or other

investigations, searches, studies, or reports that include any reference to Opposer's Marks, and all documents that refer or relate to any such search, survey, poll, study, investigation or report.

RESPONSE

Opposer objects to this request on the grounds of being repetitive.

DOCUMENT REQUEST NO. 31: All communications with any person other than Applicants concerning a dispute or potential dispute between Opposer and Applicants regarding trademark or trade dress ownership rights in the United States.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer states that there are none.

DOCUMENT REQUEST NO. 32: All documents that constitute, evidence, reflect, describe, refer to, or relate to any investigation, trademark search, inquiry, survey, poll, consumer perception study, focus group study, market research study, or other search, survey, poll, study, or investigation that relates to any mark that includes or consists of the term FLORMAR.

RESPONSE

Opposer objects to this request on the grounds of being repetitive.

DOCUMENT REQUEST NO. 33: All documents that constitute, evidence, reflect, describe, refer to, or relate to any confusion expressed or experienced by any person between Opposer's Marks and Applicants' Mark, or between any Product offered for sale under Opposer's Marks and any Product offered for sale under Applicants' Mark.

RESPONSE

Opposer objects to this Request on the ground that it is unreasonably broad, unduly burdensome, oppressive, vague and ambiguous. As Applicants have not yet commenced use of their mark, Opposer could not as yet have documented any instances of actual confusion in the US. However, Opposer reserves the right to supplement its response.

DOCUMENT REQUEST NO. 34: All documents identifying any domain names or websites owned or operated by Opposer that include Opposer's Marks, alone or in combination with other elements.

RESPONSE

Opposer objects to this request on the ground that the matter purportedly sought is neither relevant to the subject matter involved in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Opposer maintains a website at **www.flormar.com** accessible from the US by US customers but Opposer should not need to produce documents related to maintaining the website.

DOCUMENT REQUEST NO. 35: All documents identifying any domain names or websites owned or operated by third parties through which Products bearing Opposer's Marks are sold or marketed.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00048 through KOSAN00068.

DOCUMENT REQUEST NO. 36: All documents on which Opposer intends to

rely on in this proceeding, including all documents that Opposer intends to offer in evidence in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 37: All documents identifying, referring to or relating to any person whom Opposer intends to call as a fact or expert witness in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 38: All documents Opposer has provided or shown to any person whom Opposer intends to call as a fact or expert witness in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly

burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 39: All documents relied upon, either in whole or in part, as a basis for any opinion rendered or to be rendered by an expert witness whom Opposer may call to testify in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 40: All statements, affidavits, declarations, reports and communications Opposer has received from any person who is expected to give expert testimony as an expert witness on behalf of Opposer in this proceeding.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." Opposer further objects to this request on the following grounds: a) that it purportedly seeks to use pre-trial discovery to obtain premature disclosure of Opposer's testimony and witnesses; b) that it seeks to require speculation about

Opposer's future decisions; and c) that it seeks information which is protected under the attorney client and attorney work product privileges.

DOCUMENT REQUEST NO. 41: All documents identified by Opposer in response to Applicants' First Set of Interrogatories served contemporaneously herewith.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents." However, notwithstanding said objection, Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00069 and KOSAN00085 through KOSAN00087.

DOCUMENT REQUEST NO. 42: All documents that Opposer was required to identify, or from which Opposer obtained information, in responding to Applicants' First Set of Interrogatories, served simultaneously with the Document Requests, and which documents have not been otherwise produced in response to the Document Requests.

RESPONSE

Opposer objects to this request on the grounds that it is overly broad and unduly burdensome in that it seeks "all documents" and on the grounds of being repetitive.

DOCUMENT REQUEST NO. 43: All documents that Opposer contends are relevant to this proceeding.

RESPONSE

Opposer objects to this request on the ground that it is unreasonably broad and unduly burdensome and on the ground that it is vague and ambiguous and for that reason it is incapable of being properly answered.

DOCUMENT REQUEST NO. 44: A representative sample of documents that shows that Opposer has a bona fide intent to use in U.S. commerce the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00068.

DOCUMENT REQUEST NO. 45: A representative sample of documents that shows that Opposer as of January 18, 2012 had a bona fide intent to use in U.S. commerce the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune,

privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00068.

DOCUMENT REQUEST NO. 46: A representative sample of documents that shows that Opposer as of November 6, 2006 had a bona fide intent to use in U.S. commerce the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

RESPONSE

Opposer states that it has not yet used the mark FLORMAR TURK MALI in the United States, only FLOMAR and FLORMAR PROFESSIONAL MAKE UP. . Opposer states that the recordation of the assignment shows its bona fide intent-to-use.

DOCUMENT REQUEST NO. 47: A representative sample of documents that shows that Opposer as of July 29, 2013 had a bona fide intent to use in U.S. commerce the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, for each and

every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES ,TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

RESPONSE

Opposer states that it has not yet used the mark FLORMAR TURK MALI in the United States, only FLOMAR and FLORMAR PROFESSIONAL MAKE UP. Opposer states that the recordation of the assignment shows its bona fide intent-to-use.

DOCUMENT REQUEST NO. 48: A representative sample of documents that show Opposer's current use in U.S. commerce of the mark FLORMAR for each and every one of the following items:

Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras,

cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune, privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00068.

DOCUMENT REQUEST NO. 49: A representative sample of documents that show Opposer's current use in U.S. commerce of the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601 for each and every one of the following items:

HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES

RESPONSE

Opposer states that it has not yet used the mark FLORMAR TURK MALI in the United States, only FLOMAR and FLORMAR PROFESSIONAL MAKE UP.

DOCUMENT REQUEST NO. 50: Any documents, pertaining to the assignment of the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601, from SENBAY GENEL KIMYA VE DIS TICARET ANONIM SIRKETI to Opposer.

RESPONSE

Opposer objects to this request on the ground that the material requested is as available to the Applicants as to the Opposer. In particular, Opposer would have to obtain the requested information from sources equally accessible to the Applicants, namely the U.S. Patent and Trademark Office. Notwithstanding said objection, Opposer produces KOSAN00088 through KOOSAN00095.

DOCUMENT REQUEST NO. 51: Any documents between SENBAY GENEL KIMYA VE DIS TICARET ANONIM SIRKETI to Opposer, concerning the mark FLORMAR TURK MALI, as reflected in Ser. No. 76668601.

RESPONSE

Opposer objects to this request on the ground that it seeks confidential business information and is irrelevant to the present proceeding in that it does not pertain to the claims and issues of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding said objection, Opposer produces KOSAN00088 through KOOSAN00095.

DOCUMENT REQUEST NO. 52: A representative sample of documents that show each good that Opposer currently sells in the U.S. bearing that the mark FLORMAR as or as part of a trademark.

RESPONSE

Opposer will produce a representative sampling of such documents as are not immune,

privileged or otherwise protected from discovery. KOSAN00025 through KOSAN00068.

Respectfully submitted,

Date: April 21, 2015

By: 

P. Jay Hines
Muncy, Geissler, Olds & Lowe, P.C.
4000 Legato Road, Suite 310
Fairfax, Virginia 22033
Telephone: 703-621-7140
Fax: 703-621-7155
Email: **mailroom@mg-ip.com**

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of OPPOSER'S RESPONSES TO APPLICANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was served on by regular U.S. mail, postage prepaid, this 21st day of April 2015 to:

William C. Wright

Jason M. Drangel

Robert L. Epstein

Epstein Drangel LLP

60 East 42nd Street, Suite 2410


New York, New York 10165



Akiyo Yoshida


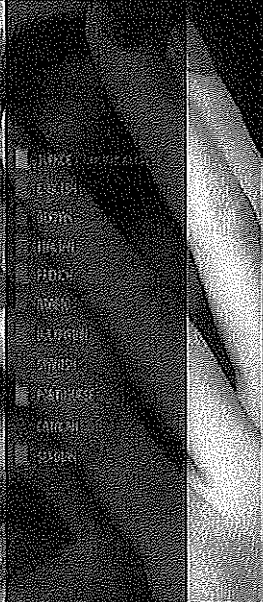
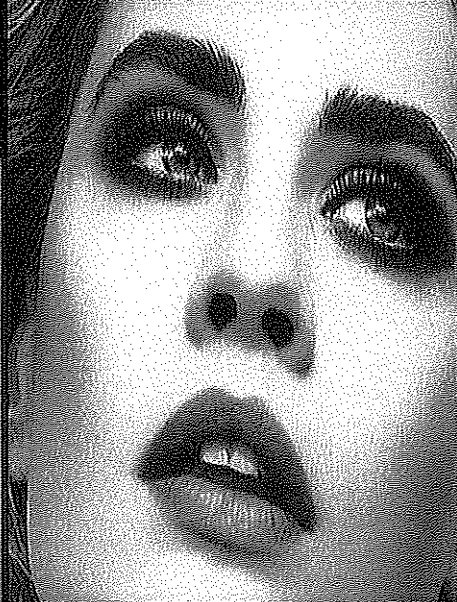
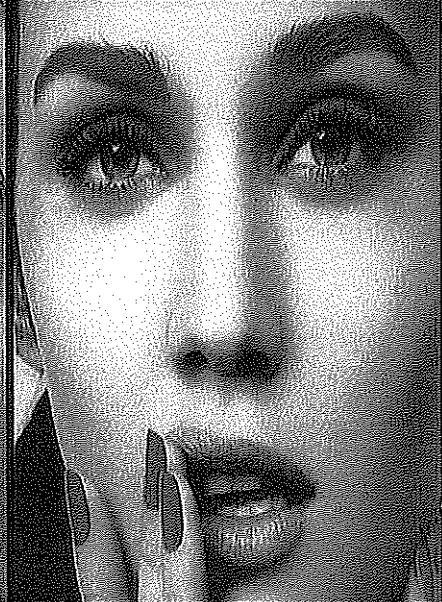
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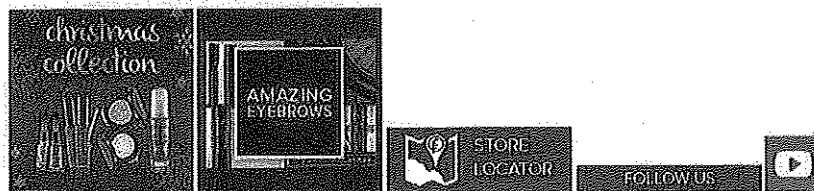
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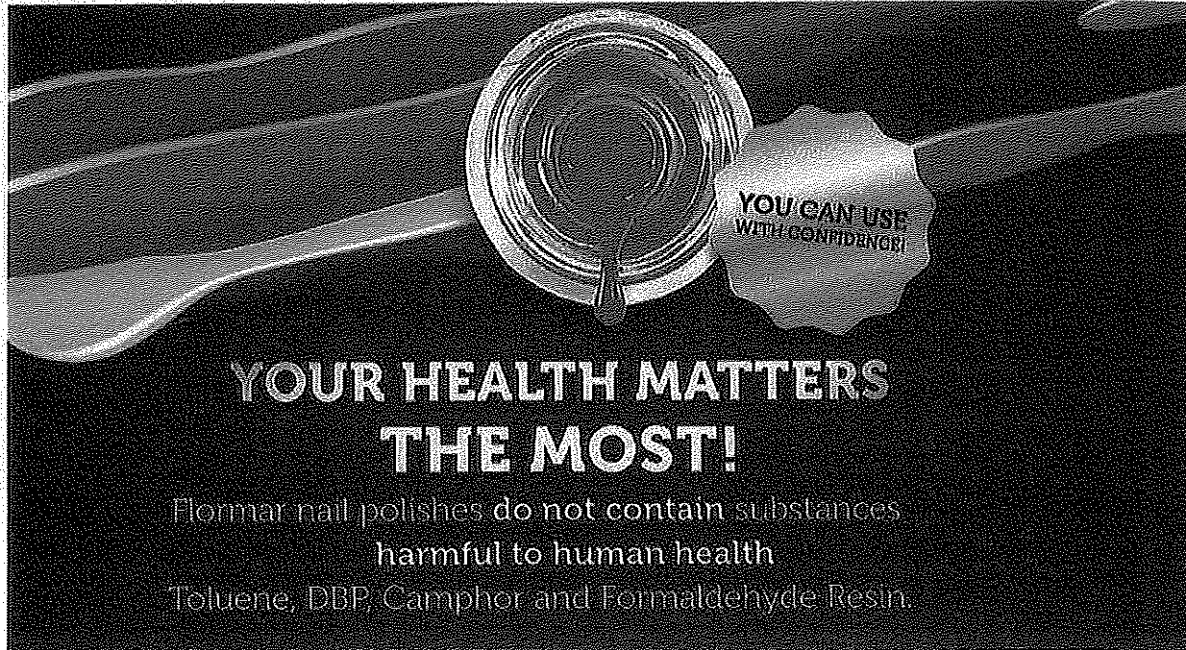
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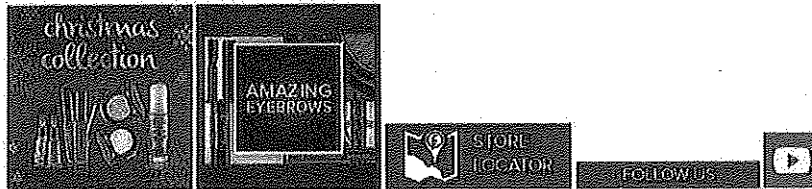
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YOUR HEALTH MATTERS THE MOST!

Flormar nail polishes do not contain substances harmful to human health
Toluene, DBP, Camphor and Formaldehyde Resin.



christmas collection

AMAZING EYEBROWS

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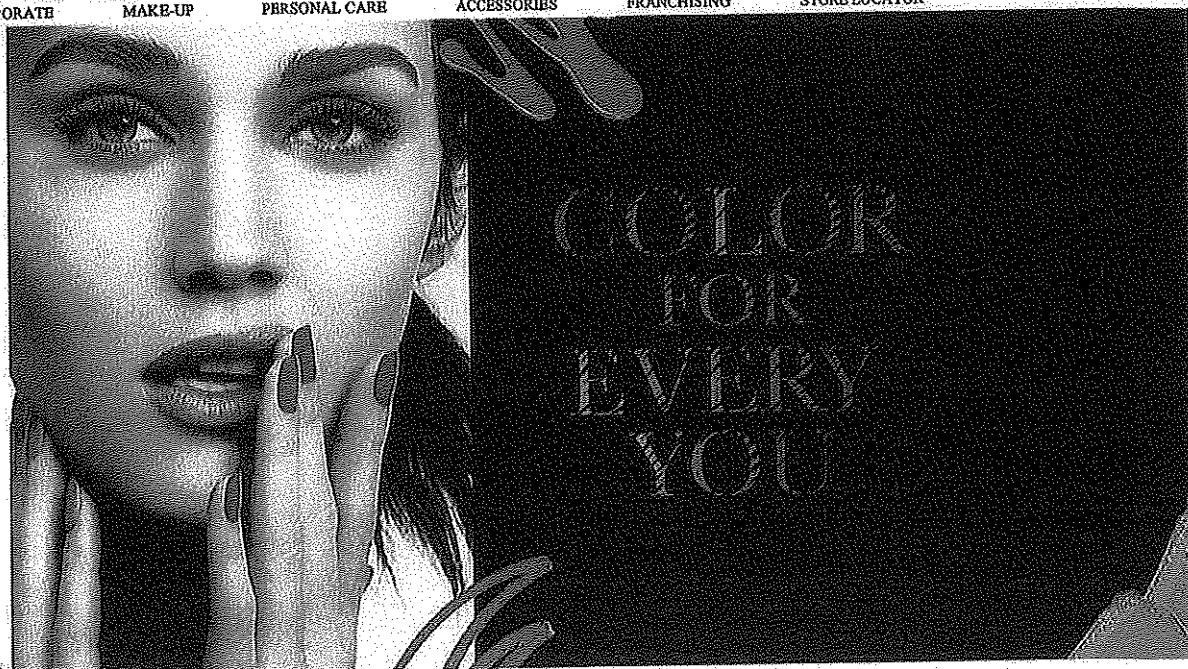
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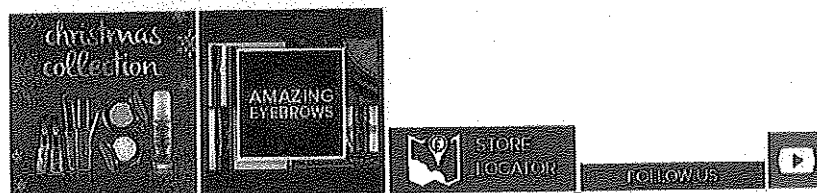
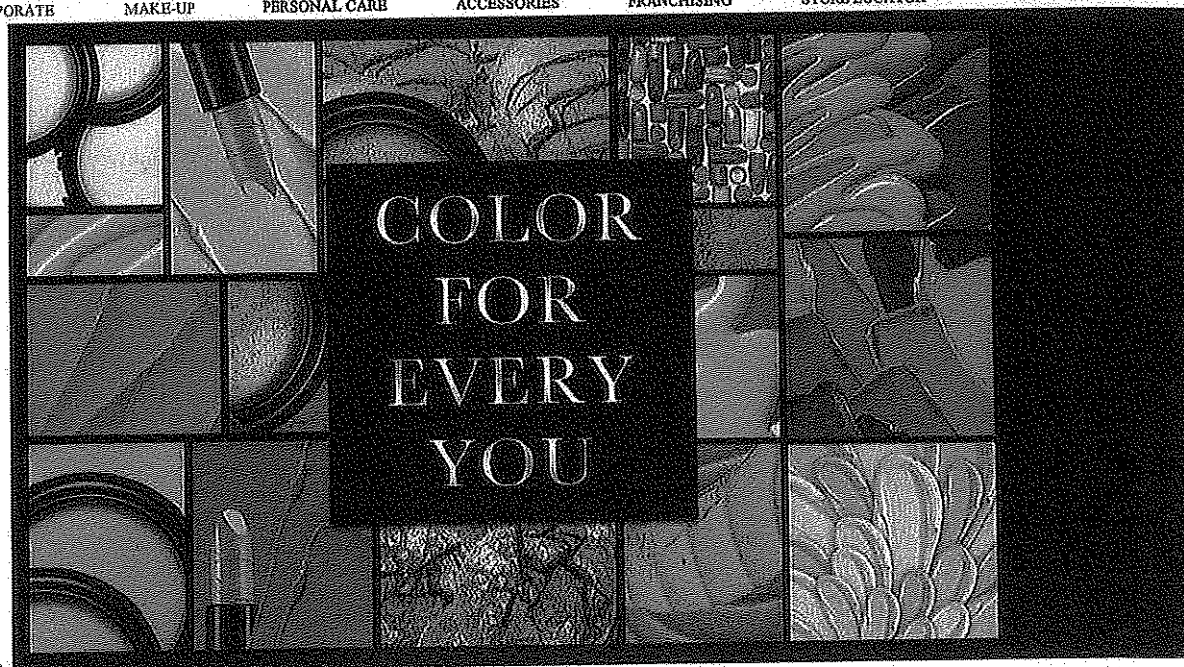
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BB CREAM

Sheer Tinted Blemish Balm Cream, developed as soothing treatment balms for highly sensitive skin after laser su

[Detail >>](#)



STICK FOUNDATION

Provides a medium-high coverage. Soft & silky texture. Fine and easy applicable structure helps to minimize

[Detail >>](#)



Soft Touch Fondoten

Creamy, soft and fluid foundation instantly smoothes and stays perfectly flawless over time. UV Filters protec

[Detail >>](#)



MAT TOUCH FOUNDATION

Creating a velvety and rich texture, it blends with the skin perfectly, gives a mattes and smooth texture, hel

[Detail >>](#)



PERFECT COVERAGE FOUNDATION

With its soft and rich texture keeps the same freshness for 12 hours, covers skin flaws perfectly, gives a smo

[Detail >>](#)



MAT VELVET MATIFYING FOUNDATION

Achieves maximum cover with its velvety and smooth texture, gives the skin a tight and strong look, supplies d

[Detail >>](#)



FUSION POWER FOUNDATION SERUM

Fusion Power Foundation Serum is soft fluid foundation that instantly smoothes and rejuvenates skin and stays

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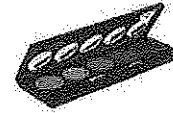
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FUSION BAKED EYESHADOW

New generation terracotta eyeshadow Fusion Baked Eyeshadow that can be used wet or dry, provides simple apply

[Detail >>](#)



COLOR PALETTE EYE SHADOW

Our velvety, Quintet palette eye shadow includes 5 different shadow colors, making the combinations practical

[Detail >>](#)



MATTE MONO EYE SHADOW

Velvety light texture adds an effective and flawless look to your eye makeup

[Detail >>](#)



TERRACOTTA TRIO EYE SHADOW

It provides a practical solution by presenting 3 eye shadows in one package. The eye shadow with intensive shi

[Detail >>](#)



NEON EYE SHADOW

Discover the breath taking neon colors. Adds an incredible attractiveness to your glances with high concentrat

[Detail >>](#)



METTALIC EYE SHADOW

The eye shadow provides your eyes with an incredible shine and metallic affect. It adds a considerable shine t

[Detail >>](#)



MATTE TERRACOTTA EYE SHADOW

Adds debt to the glances with wet and dry application choices, gives a smooth and mat look by the help of spec

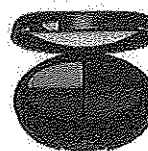
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MONO EYESHADOW

Effective all day with lively and shiny look.

[Detail >>](#)



QUARTET EYE SHADOW

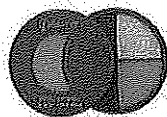
Quintet palette eye shadow that consists of 5 different colors of eye shadow provides various opportunities for

[Detail >>](#)

TERRACOTTA EYE SHADOW QUARTET

Adds depth to the glances with wet and dry application choices, gives a smooth and mat look by the help of special

[Detail >>](#)



PRETTY COMPACT QUARTET EYE SHADOW

The eye shadow provides an easy application opportunity and long term permanency with the non-dusting formula.

[Detail >>](#)

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DELICIOUS LIP STICK STYLO

Delicious Lipstick Stylo, thanks to its ultra-rich and intense colors adds extra charm to lip make up. Vitami

[Detail >>](#)



TWIST UP LIPSTICK

Twist Up lipstick provides high coverage with its special formulation. It covers lips with the creamy, shiny

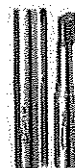
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DELUX SHINE STYLO LIPSTICK

Deluxe Stylo lipstick with an ultimate and glamorous shiny effect.
Special formula enriched with Argan oil

[Detail >>](#)



DELUXE CASHMERE STYLO

Special formula that combines the finest colour pigments with an infusion of last generation moisture - boosti

[Detail >>](#)



LONG WEARING LIPSTICK

It covers the lips perfectly with its rich, creamy and moisturizing structure. Softens the lips with its nour

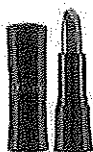
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PRETTY LIPSTICK

It covers the lips perfectly with its rich, creamy and moisturizing structure. Softens the lips with its nour

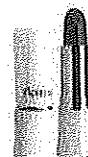
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SUPERSHINE LIPSTICK

It provides the lips with wet, full and ultra shiny look by its creamy structure. It moisturizes the lips with

[Detail >>](#)



SUPERMATTE LIPSTICK

With the velvety structure, it gives the lips a mat and full look.

[Detail >>](#)

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FEATHER LOOK NAIL ENAMEL

Feather Look Nail Enamel, with its transparent nail varnish base filled with tiny feather like particles prov

[Detail >>](#)



MATTE NAIL ENAMEL

Innovative matte nail enamel to create unique texture effects! A great mattifying laquer that gives your nails

[Detail >>](#)



NEON NAIL POLISH

Neon Nail Polish adds vividness to nails with unique and developed formula structure, vivid and magnificent. B

[Detail >>](#)



GRAFFITI NAIL POLISH

Time to get crazy in manicure! Creates breath taking nails with the help of Flormar's Graffiti Nail Polish wit

[Detail >>](#)



PRETTY NAIL ENAMEL

Trendy and live colors are in PRETTY NAIL ENAMEL COLLECTION!

This nail polish provides an extra bright

[Detail >>](#)



FLORMAR NAIL POLISH

With the pastel and nearly color range, a series that you can find the colors you are looking for. Durability

[Detail >>](#)



QUARTZ NAIL ENAMEL

[Detail >>](#)

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SHIMMERING&ILLUMINATING BODY OIL

Fast drying, Shimmering & Illuminating Body Oil, provides an amazing golden and bronze glow to body make up. Th

[Detail >>](#)



ADVICE PURELY MOIST, CREAM DRY&SENSITIVE SKIN

Advice Purely Moisturizing Day Cream "dry and sensitive skins", meets the daily moisturizing need of your skin

[Detail >>](#)



ADVICE CLEANSING MILK

Formulated with Aloe Vera, this facial cleansing milk not only smooths and rejuvenates the skin, but also gen

[Detail >>](#)



ADVICE CLEANSING TONIC NORMAL&COMBINATION SKIN

Normal and Combination Skins formulated facial cleansing tonic contains strawberry, pomegranate and oil leaf e

[Detail >>](#)



ADVICE CLEANSING TONIC DRY&SENSITIVE SKIN

Dry and Sensitive Skins formulated facial cleansing tonic contains fig, cotton seed and flaxseed extracts, cor

[Detail >>](#)



ADVICE 3 in 1 CLEANSING GEL SYSTEM

Providing three different features, Advice Facial Cleansing Gel leaves skin deeply clean and nourished. A rich

[Detail >>](#)



ADVICE TIMELESS ANTIWRINKLE EYE CREAM

Formulated with efficient ingredients, this anti-wrinkle eye cream prevents signs of aging in the eye contour

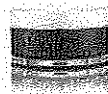
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ADVICE TIMELESS ANTIWRINKLE DAY CREAM

Advice Timeless Anti-Wrinkle Day Cream provides a smooth and firm-looking skin. With a SPF of 15 filters, it

[Detail >>](#)



ADVICE TIMELESS ANTIWRINKLE NIGHT CREAM

Advice Timeless Anti-Wrinkle Night Cream protects and nourishes the skin with its olive-oil formula. Its red r

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ADVICE PURELY MOIST. CREAM NORMAL & COMBINATION SKIN

Advice Purely Moisturizing Day Cream "normal and combination skins", meets the daily moisturizing need of your

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FLORMAR CLEAN CARE APRICOT SCRUB

A soft peeling which is enriched with vitamin complexes kindly cleanses the skin from dead skin.

[Detail >>](#)



FLORMAR BODY LOTION

With Flormar Shimmering you can have a radiant skin. It is possible to dazzle with gold sparkles as you moistu

[Detail >>](#)



HAND CREAM WITH POMEGRANATE 75 ML

Softens, smoothens and moisturizes the skin thanks to pomegranate Fruit extract, shea butter and glycerin. Pome

[Detail >>](#)



HAND CREAM WITH ALOE VERA 75 ML

Softens, smoothens the skin thanks to aloe vera, shea butter and glycerin. Aloe Vera, that's known as ultimate

[Detail >>](#)



HAND CREAM INTENSIVE CARE

Enriched with Sweet Almond oil and Grape Seed Oil. Soothes, nourishes the dry skin. Shea Butter and Glycerin

[Detail >>](#)



HAND CREAM WITH MANGO 75 ML

Softens, smoothens and moisturizes the skin thanks to oils derived from mango extracts and shea butter. Mango

[Detail >>](#)



FLORMAR CLEAN CARE FACIAL PEEL OFF MASK

Enriched formula with Aloe Vera extract and Panthenol protects the natural balance of the skin, cleanses from

[Detail >>](#)



HAND CREAM WITH OLIVE OIL 75 ML

Softens, smoothens and moisturizes the skin thanks to shea butter and glycerin and Olive Oil. Olive Oil absorb

[Detail >>](#)



HAND CREAM WITH STRAWBERRY 75 ML

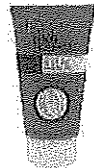
Softens, smoothes and moisturizes the skin thanks to shea butter and glycerin and 100% natural Strawberry Fru

[Detail >>](#)



COSMETIC COTTON BUDS

[Detail >>](#)



FLORMAR FOOT CREAM

Moisturizes the dry skin, softens the skin with the mango, shae and cacao oils, and moisturizes feet with its

[Detail >>](#)



FLORMAR CLEAN CARE FACIAL CLEANSING GEL

The facial cleansing gel with chamomile extract and vitamin E deeply cleans the skin from makeup and daily dir

[Detail >>](#)



FLORMAR CLEAN CARE MAKE UP REMOVER WIPES

Removes the make up without leaving an oily layer, moisturizes and enlivens the skin.

[Detail >>](#)



ADVICE EYE MAKE-UP REMOVER

Removes the eye makeup even if it's waterproof... Leaves the skin clean and fresh.

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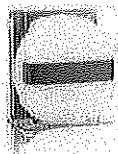
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BIG POWDER PUFF

Big Powder Puff is suitable for application of loose powders, shimmering powders and compact powders. This prod

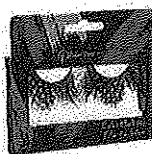
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COLOR MADNESS FALSE EYELASHES

Provides a charming look with its distinctive design and colors.

[Detail >>](#)



COLOR MADNESS FALSE EYELASHES

Provides a charming look with its distinctive design and colors.

[Detail >>](#)



COLOR MADNESS FALSE EYELASHES

Provides a charming look with its distinctive design and colors.

[Detail >>](#)



DOUBLE EYESHADOW APPLICATOR

With its double side usage, it provides ease and practicality when applying terracotta, pressed, loose or crea

[Detail >>](#)



DUO FOUNDATION APPLICATOR

Duo Foundation Applicator is two ended round foundation brush is ideal for application of compact and liquid

[Detail >>](#)



SPONGE CONIC

A trendy accessory and a multi dimensional shape for a professional result.

[Detail >>](#)



FLARED CUT BLUSH BRUSH

[Detail >>](#)



5 PCS MAKE UP BRUSH SET

BLUSH-ON BLUSH

5 pcs Make up Brush Set which contains a blush brush, eyebrow brush, applicator, and lip brush is a going to

The blush brush enables perfect application to cheekbones and other parts of the face.

[Detail >>](#)

[Detail >>](#)



FOUNDATION BRUSH



DUO BRUSH

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[Detail >>](#)



POWDER BRUSH

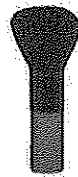


BLUSH-ON BRUSH WITH CAP

[Detail >>](#)

You can apply the blush in a controlled manner with these professional brushes. It can also be used in applica

[Detail >>](#)



BLUSHER BRUSH



CONCEALER BRUSH

You can apply the blush in a controlled manner with these professional brushes. It can also be used in applica

[Detail >>](#)

[Detail >>](#)



EYE SHADING SQUARE TIP BRUSH



EYEBROW & EYELASH APPLICATOR

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[Detail >>](#)



EYE SHADING OVAL TIP BRUSH



LASH & BROW GROOMER

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[Detail >>](#)



SALOON METAL NAIL FILE

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TRAVEL SIZE METAL NAIL FILE

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TWEEZER

Professional eyebrow tweezer. Precise and durable.
Extremely flexible.

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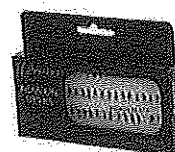
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DUO TWEEZER

Eyebrow tweezers and fine-pointed tips specifically for
ingrown hairs.

[Detail >>](#)



[Detail >>](#)



NAIL CLIPPER

[Detail >>](#)



NAIL BUFFER

[Detail >>](#)



5 pcs EYE SHADOW BRUSHER

The applicator which is an ideal accessory to apply eye
make up, is very practical with its double-sided usage

[Detail >>](#)



GLASS NAIL FILE

Delicate and precise Glass Nail File, stops nails from
chipping and may also be used on artificial nails. Wash

[Detail >>](#)



EYELASH CURLER

Steel Eyelash curler designed to perfectly fit any type of eyes or eyelashes.
The soft silicone cushion del

[Detail >>](#)



POWDER APPLICATOR

Latex Sponge is ideal for foundation, powder, pat-a-cream, wet and dry cream powder applications.

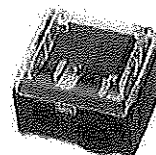
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LATEX SPONGE

Latex Sponge is ideal for foundation, powder, pat-a-cream, wet and dry cream powder applications.

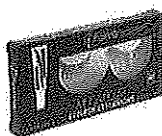
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SHARPENER

It sharpens all makeup pencils without breaking.

[Detail >>](#)



MAGNIFICENT EYE LASH EXTENSIONS

Lash extensions for perfect eyes and longer eye lashes.

With 2 different eyelashes structure, help to o

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LATEX SPONGE SET

[Detail >>](#)



NAIL FILE

It helps to shape your nails without any damage.

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CORPORATE » ABOUT US

The voice of experience in the world of Beauty. Flormar.

Flormar, born in 1970's in the city of Milan of Italy, carried all its production to Turkey in 1972's starting a 40 years of adventure....

By increasing its success which was gained with the nail polish it entered the market; Flormar has become an irrevocable brand in women of Turkey's nail polish choice. Taking its success a step forward after a short time beginning to operate in Turkey, Flormar started to offer its product range from blush to foundation, eye shadow to mascara, lip stick to nail polish with high quality and budget prices to its consumers.

Flormar presents hundreds of different products to every pleasure and need of its customer's by a very large sales channel. According to the market researches, Flormar is one of the very well known and trusted domestic cosmetic brands. This is a very important proof that Flormar is a rare domestic brand that can reach to a large mass.

Flormar in International Market..

The high customer satisfaction and market leadership that Flormar achieved in the domestic market has leaded the company to expand to the international markets. Therefore Flormar who expanded to the international markets under its own name in 2000 now exports its products to more than 80 countries in 4 continents.

Reaching to the customer with 98 domestic Flormar mono brand stores and more than 200 foreign Flormar mono brand stores, Flormar adds a new one to its brand stores every passing day. Flormar also exists in more than 40.000 stores around the World by its wholesales channels. With its prestigious chain stores which are preferred during cosmetics shopping, promises women of the world beauty.

The importance of the quality in the process from the production to delivery is the reason of the trust to Flormar in the international markets. Quality understanding of Flormar is not limited to its quality control; Flormar tries to understand its consumers by the investments on R&D , works to serve them the newest and the most qualified product. The investments that are made in this area make Flormar one of most preferred brands.

Flormar products are produced in Kosan Kozmetik San. Tic. A.Ş. Gebze, TÜRKİYE facilities. Today Flormar is considered one of the strongest players in the cosmetics sector with its production areas that are spread to 15.000 and 6000 meter squared land and the capacity to produce 7 million pieces monthly.

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CORPORATE » VISION & MISSION

Mission

With its dynamic and charming team, extensive experience in cosmetics industry and a respectful structure to human being and environment, Flormar's mission is to,

- Adding value to the global economy,
- Generalizing the personal care,
- Increasing customer satisfaction by corresponding to all the needs of the consumers in the field of cosmetics with quality, reachable products and affordable prices,
- Carrying product variability and quality to the top levels by following fashion trends and consumer tendencies,
- Ensuring the continuity and maintainability of the Flormar brand
- Supporting R&D and ÜRGE activities by following the developments of the technology
- Using resources effectively and efficiently by highly dedicated and confident work,
- Creating benefits and value for our shareholders with our activities
- Creating awareness about our corporate social responsibility and environmental sensitiveness,
- Training our employees according to this goal in order to have a contribution on their personal development and awareness.

Vision

Flormar's vision,

- Gaining at least one loyal customer in every household by offering products that would make people happy,
- Growing by carrying its success in colorful cosmetics to the other cosmetic areas,
- Increasing brand awareness in the global cosmetics market by announcing the quality of the Turkish cosmetics to the World,
- Taking its place in between the first 50 brands/companies by protecting its leadership as a brand that directs trends and tendencies in the global cosmetics market.

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CORPORATE » PRODUCTION

For centuries, women have been in pursuit of the secrets that will help them attain unprecedented beauty. Flormar has historically been at the forefront of this pursuit making unrivaled contributions to every aspect of the creation of beauty for the Flormar woman. The development of new innovative products as well as the production and improvement to existing products takes place in the 15,000 square meter production facility established in Gebze Organized Industrial Zone.

For the past 41 years, Flormar has contributed to the beauty of women all over the world. In 2011, Flormar increased production levels by 39% from the previous year.

Flormar's production of 12 million units of lipstick aims to accentuate the beautiful lips of women around the world. Coming in a wide variety of bright, bold, flashy shades, every woman is sure to find her go-to color in Flormar's lipstick product line. In addition, Flormar has in production 60 million units of nail care products worldwide. Its vast nail care product line ranges from quick dry nail polish to products aiming to prevent breakage and encourage strong healthy nail growth. With the use of Flormar's all inclusive nail care line, women are able to grow strong, healthy nails as well as sport the latest trends in eye-catching, long lasting polish colors.

Content-rich olive oil, vegetable oils and fats such as coconut and almond oils were used to prepare 6 million units of mascara and eyeliner. The technology behind Flormar's mascara ensures women have long, voluminous, perfectly separated lashes all day long. Micronization technology discovered in recent years has allowed Flormar to introduce 8 million units of "soft focus effect" powders and highly pigmented eye shadows and blushes giving the appearance of flawless skin that every woman desires. The brightest star in Flormar's future will come from the newly developed perfume group, which is expected to produce 1 million to 1.5 million units.

Flormar is the number one brand choice for women, both domestically and internationally, who know what they want and demand exceptional quality. With many success stories under its belt already, Flormar and its young and dynamic staff aim to continue its success by creating innovative new products that meet the needs of women around the world.

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CORPORATE » RESEARCH AND DEVELOPMENT

Flormar not only aims to meet its customer's needs by creating new and innovative products, but also by improving its existing product lines. The Professional team enters into the World market attaining a new concept every year by combining projects, which are different from one another because of the investments in the technology.

"Leadership, innovativeness, and quality", which constitute the basis of our Production Development and Research & Development mission, is the primary factor in our essential respect to our employees and customers and work partners who play a major role in our success. Flormar offers its customers the most popular and the newest products and at the same time its portfolio expanding in every product category. Research & Development at Flormar operates according to the fundamental principle of the company profile.

Product Development activities are supported by a thorough analysis of customer feedback obtained through extensive market research. Flormar's Product Development team not only takes into consideration trends developing domestically, but also trends developing abroad. As a result of this, Flormar has not only become a highly recognized brand domestically, but also in the global markets as well.

Flormar's unprecedented beauty products, developed as a result of its strong, energetic and cultivating Research & Development efforts, are offered to women who know what they want and demand the best. Flormar's Research & Development team is always on top of the trends affecting the industry in order to provide new innovative products to the market. Its Research & Development Laboratories is always keeping up with new material and advancing technology. In addition to closely following the trends and advancing technologies, great attention is paid to the global laws and regulations governing the industry. Raw materials used in the development of Flormar products are meticulously examined to ensure compliance with all legal regulations and are 100% safe for humans. Especially in recent years, not only at Flormar Research & Development Laboratories, but also at accredited international laboratories, product safety is monitored by conducting efficiency tests.

The secret to the success of Flormar, which advances day by day on its path to becoming a worldwide brand, lies in its approach to innovation. In the fast paced consumer sector where the competition is high and the expectations of the customers are ever changing based on geographical location, it becomes an indispensable principle for Flormar to not only add new innovative products into its existing product family but to also continue to add new enhancements to its existing products.

One of the best examples of Flormar's innovative activities is the recent launch of the High Performance Rotating Mascara, which creates glamorous and plump lashes through its 360° rotating wand. Additionally, Nail Enamel Remover Wipes, made a huge impression on domestic and global markets this year due to its practical usage and compliance with airway liquid limitation regulations.

Flormar's Research & Development laboratory also assesses the regional demands of its developing export markets, after which they create products of high quality and color alternatives as soon as possible.

Key performance indicators are used to measure the annual performance. In 2011, the Research & Development Laboratories of Flormar realized a total of 65 new projects.

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CORPORATE » QUALITY ASSURANCE

- Flormar Quality Assurance Department who meets ISO 9001 Standards applies a very high quality control in every step of the production and trough testing of the products in modern laboratories.
- Quality control is done by organizations such as BVQI; inner and outer inspections by export clients.
- Quality and assurance always comes first. Every single step of the production, purchase of the raw materials and packaging are constantly inspected.
- Flormar quality standards are applied in a 15.000 m2 closed area and our products that have very large range are produced by applying high quality production and laboratory applications.
- Quality is the main parameter in customer satisfaction for us and quality approaches starts from our customers, all the way to the suppliers.
- Our main goal is to handling the control of the quality and assurance system by ourselves due to our respect towards customers.
- In our way of working the Quality Assurance System plays a great role, our parameters are:
 - well equipped Quality Control and Ar&Go Laboratories.
 - using modern production machines.
 - opportunity to work with a specialized team with qualified employees,
 - Good documentation system.
 - creating and producing cosmetics products with a leading and innovating approach
 - meeting customer expectations.
 - Effective logistic services.
 - Following legal rules and regulations while developing and creating products.
 - Applying high standard quality control and hygiene in every step of the production process.
 - Responding to questions that can be asked about product assurance, tolerance and quality control.
 - Delivering all consumer opinions and complaints to the Marketing Department.

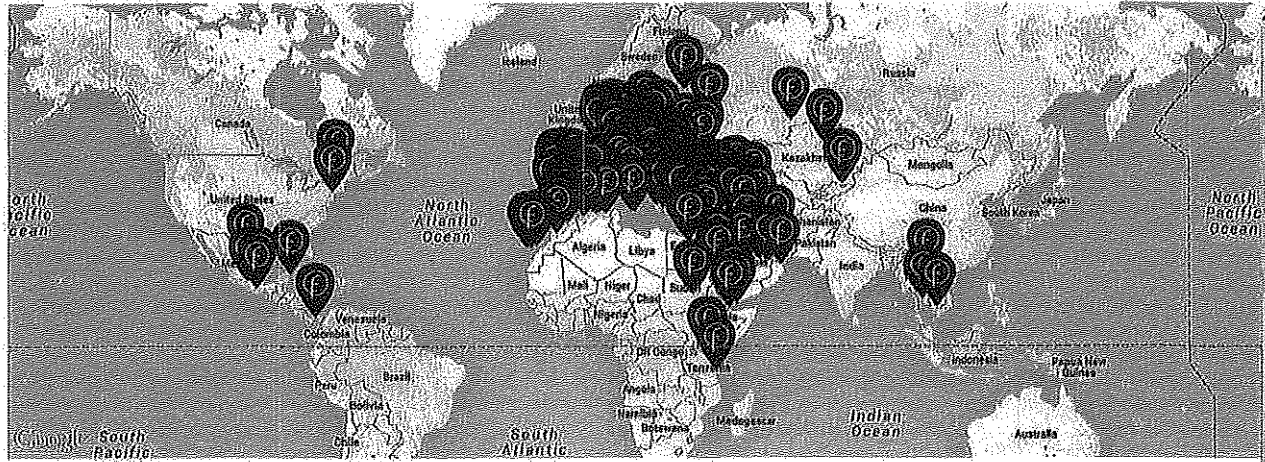
OUR QUALITY POLICIES

- assuring sustainable high quality, trustable products and achieving maximum consumer satisfaction
- Obeying Quality Management and legal rules and regulations, constantly increasing system efficiency.
- meeting our responsibilities towards our customers, employees, suppliers, partners and society while using resources.
- achieving employee contribution to efficiency by training and increasing their abilities.
- Choosing and training suppliers by their performances in the frame of quality management.
- administering all activities with social responsibility and environmental awareness.

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World	<input type="text"/>	Choose City	<input type="text"/>	Search
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414 Flormar stores found in World

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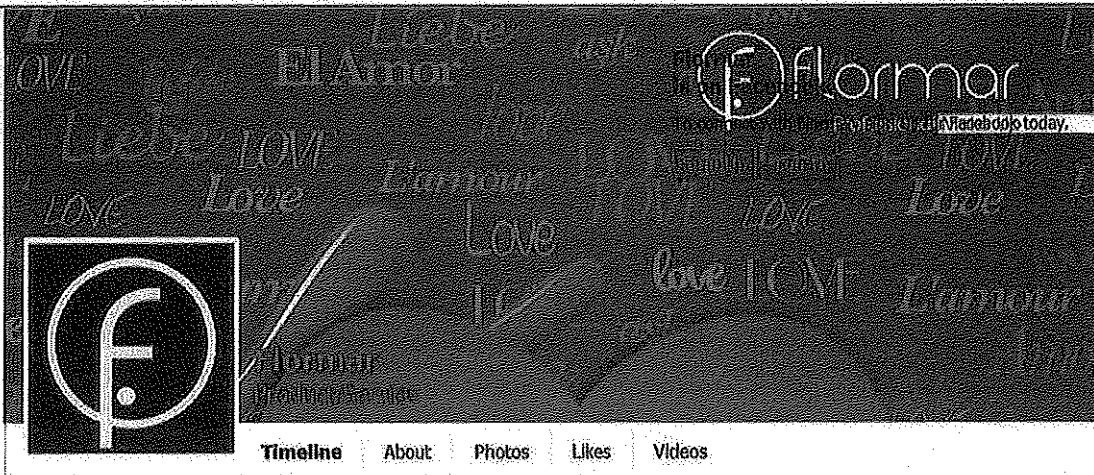
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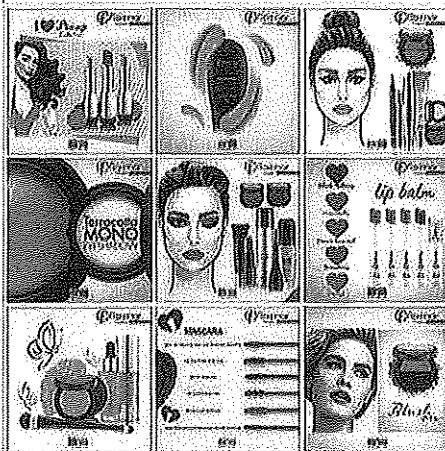
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**Flormar**

March 4 at 4:31am ·

Add color and life to your daily make-up with pink toned Pin-up lipsticks!



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**Flormar**

March 3 at 5:56am · Edited ·

تعليق ادارة فلورمار مصر عن افتتاح محل مول العرب بمدينة 6 اكتوبر يوم 15 مارس 2015
ورداً للمقابلات الشخصية للراغبين بالعمل يوم السبت القادم 7 مارس 2015 وعليهم ارسال
السيرة الذاتية على mohamed_feteiha@hotmail.com او الاتصال على رقم
01006200170 لتحديد موعد المقابلة

See Translation

Like · Comment · 28 1 1

**Flormar**

March 2 at 2:10pm ·



Konad Nails by AnGelLyKa
February 24 at 2:14am

Love my Flormar nail polishes <3 <3 <3
<https://www.facebook.com/300...> See More

Like · Comment · Share



Alyaa Lola
February 21 at 6:10am

لو سمحت عايزة اعرف الفاونديشن بكام للبشرة الدهنية و
بيكيت ولا لا بشرتي الميكب بيسيج و خصوصا في الصيف

Like · Comment · Share



Nermeen ELSaid
February 11 at 2:11am

Does the february sale start or not?

Like · Comment · Share

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Flormar



Ghada Adel Makeup Artist & Vell...



Flormar

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The secret to a natural look and perfect concealing; the Soft Touch Foundation!



Like · Comment · Share · 27 2



Flormar
March 2 at 12:25pm ·

Complete your smoky eye make-up with your nude toned lipstick, reflect your make-up style!

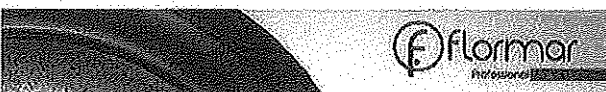


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Flormar
March 2 at 12:24pm ·

Add color to your eye make up with Terracotta Mono Eyesahdow that can be used wet or dry with its silky texture!





Flormar
February 28 at 4:06am ·

Perfect skin, dark colored eye make-up and peach colored lips!

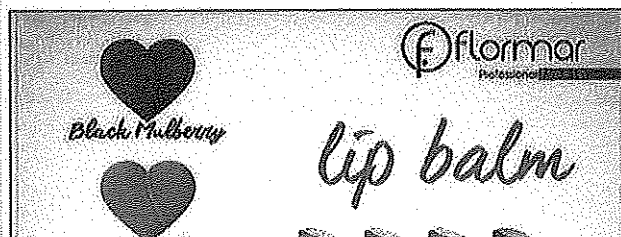


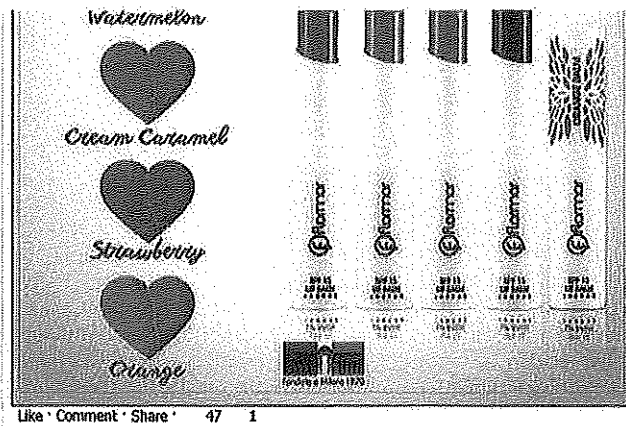
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Flormar
February 27 ·

The perfect look with its fruity tasting texture, Intense moisturizing quality and vivid colors: Lip Balm series!





Flormar

February 25 at 2:47pm ·

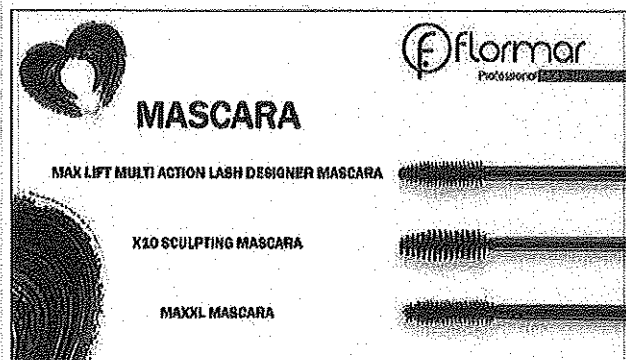
Perfect skin make-up with Flormar Reborn Collection's BB Cream Powder, Primer Highlighter and Serum Foundation!

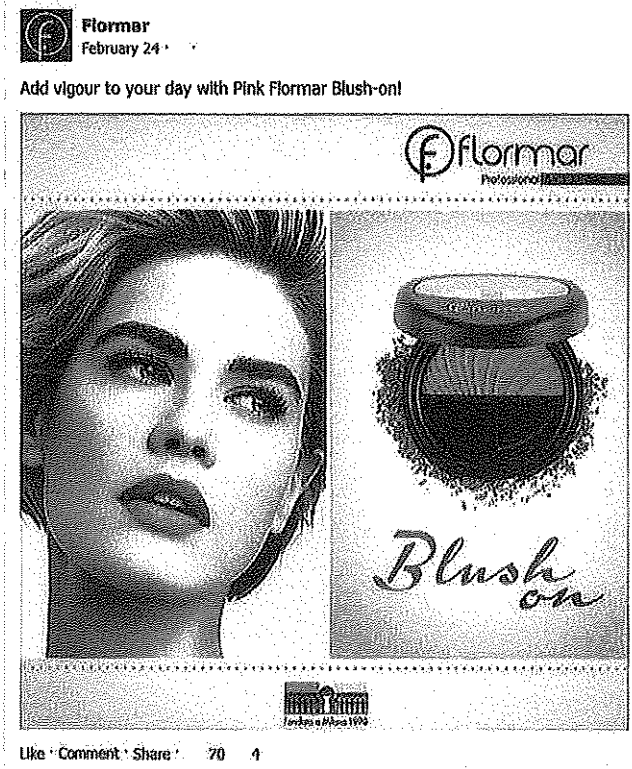
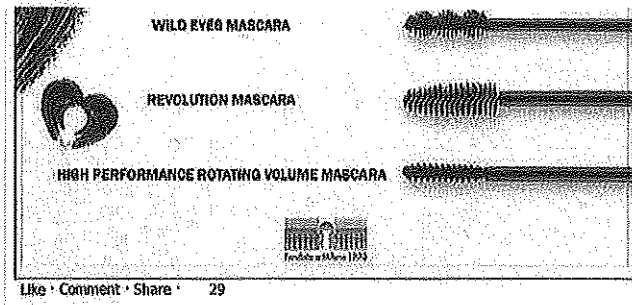


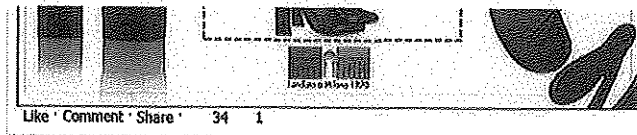
Flormar

February 25 at 2:46pm ·

Voluminous, long, curly! Flormar mascaras with brushes suitable for all eyelash types.



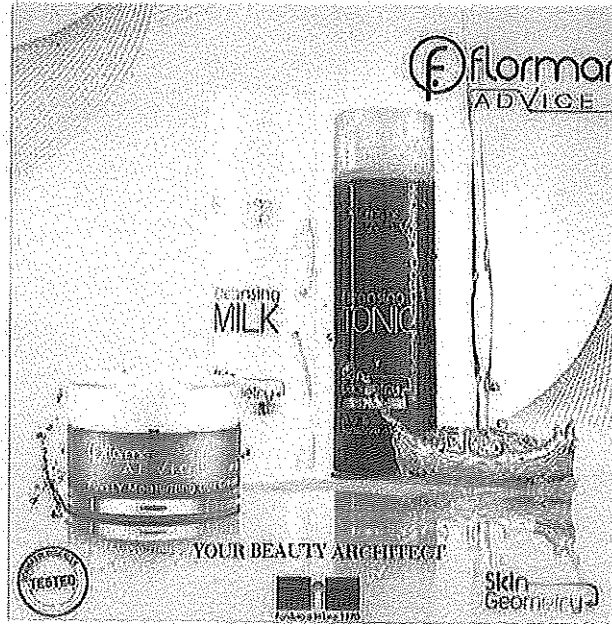




Flormar

February 22 at 12:31pm ·

Don't forget to take care of your skin by protecting the moisture balance of your skin using Advice Series on cold days!



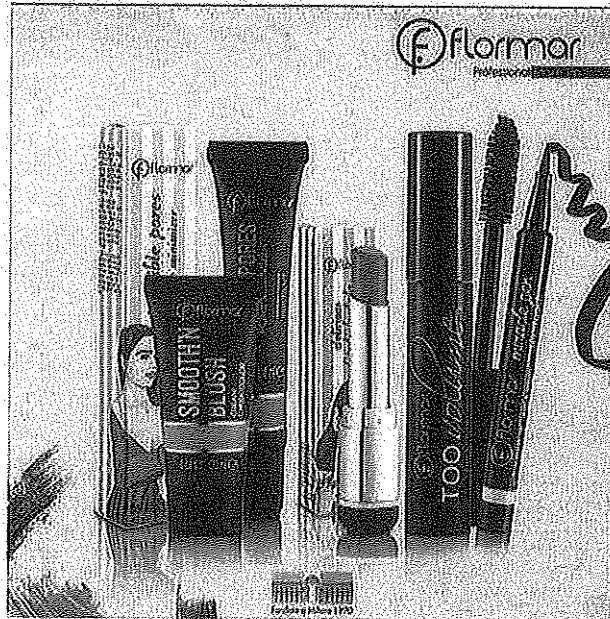
Like · Comment · Share · 39



Flormar

February 21 ·

Colored eyelashes, smooth skin tone equalizer, cream blushes and more! Get ready to have everyone's eyes on you with the Pin-up series!



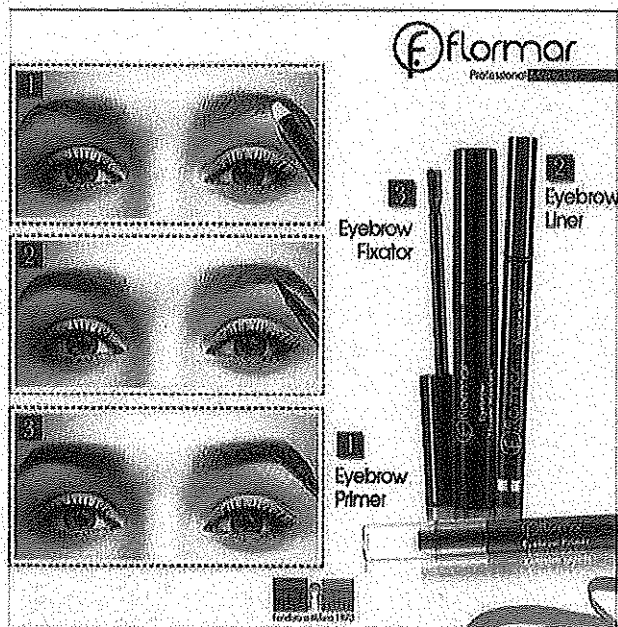
Like · Comment · Share · 53 · 4



Flormar

February 20 at 4:15am ·

Here is our suggestion to you for a more natural and long lasting eyebrow make-up:



Like · Comment · Share · 58 6



Flormar

February 19 ·

You can add privilege to your elegance with one single lipstick!



Like · Comment · Share · 32



Flormar

February 18 ·

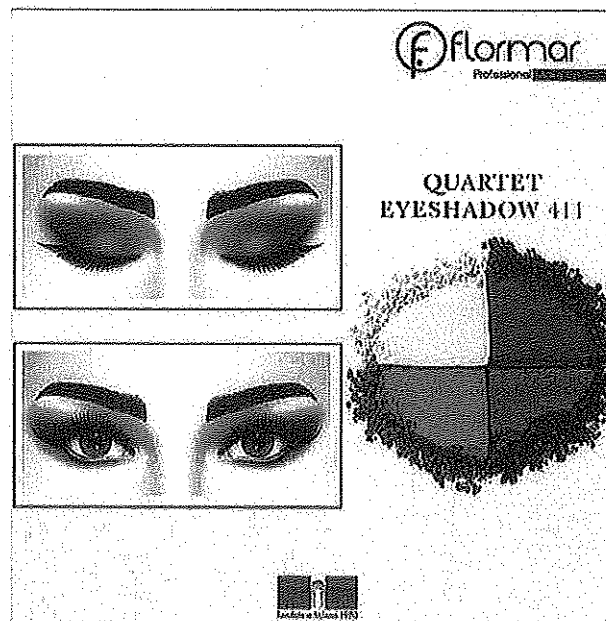
If you are saying "My nails are unkempt, spotty or not smooth", cc nail polishes are just for you!



Like · Comment · Share · 43 2

Flormar
February 16 at 9:08pm ·

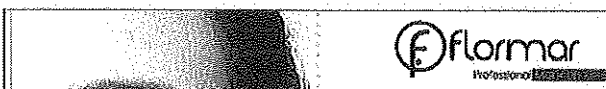
Deep and attractive glances with the assertive color purple!

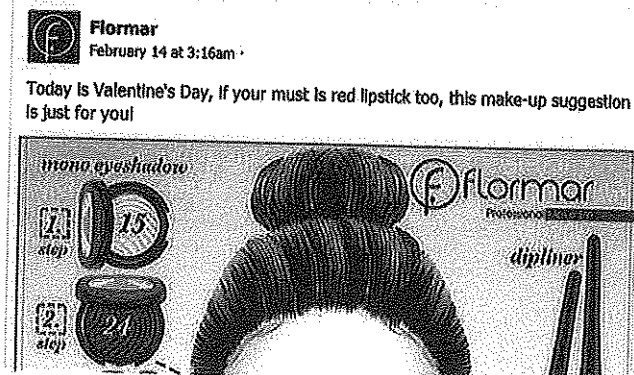
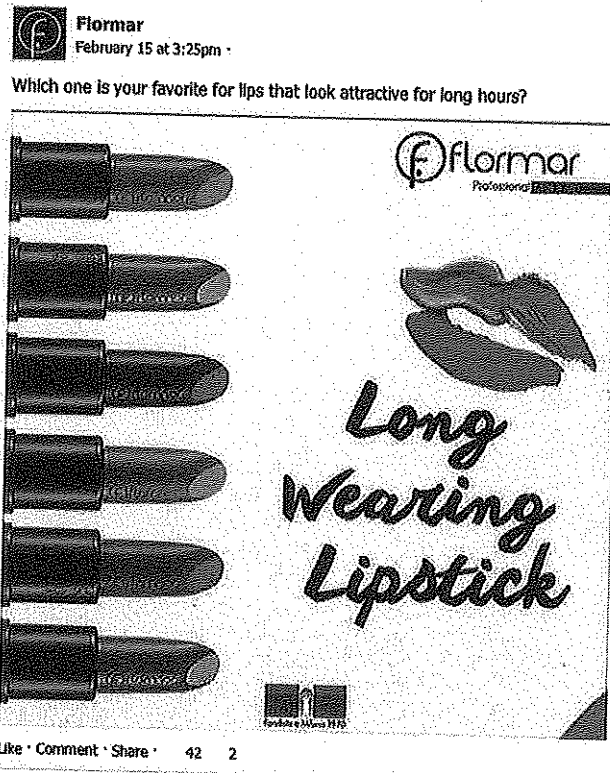


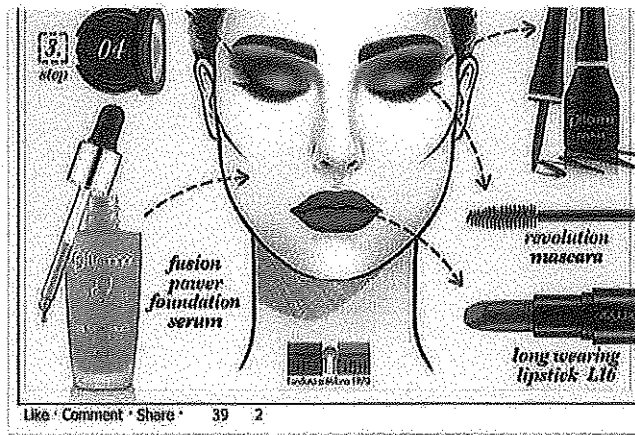
Like · Comment · Share · 54

Flormar
February 15 at 3:26pm ·

You can neutralize acne, spots and scaling blotches on the skin and surface with the green cc cream!



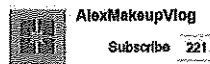




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Professional makeup tutorial + review (Flormar episode)



36,892

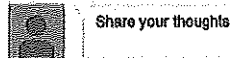
Add to Share More

Published on Nov 1, 2012

Full makeup using only one brand! No cheating ;) + tutorial and review. This time we chose Flormar cosmetics. Next episode we'll choose.....oh well....you'll see, it's a surprise! Subscribe and follow me on Facebook :)

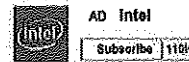
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ALL COMMENTS (26)



Top comments

- Tracy Campanella** 1 day ago
You are really beautiful, and the makeup looks great on you. I'd check out the brand I'd we had it here I sharing this video.
Reply
- Светлана 3.** 6 months ago
All, I am living in a boutique.
Reply
- Anna's Nail Art, Beauty & Travel** 1 year ago
Flormar was born in Italy but its produced in Turkey. I have heard a lot of great things about this compa their products especially their nail products out. Thanks for the video very informative
Reply
- Alex Lee Sarkasian** 9 months ago
why we can have all that wonderfull gama in México ?????? :(
Reply
- AlexMakeupVlog** 1 year ago In reply to Burcu Yilmazcan
Yes, the opened many stores here in Romania last year. I wish we had the prices that cosmetics have
- Balaceanu Cecilia** 1 year ago
O idee pt a testa mai multe firme de makeup, ar fi interesant Mac , MakeupForever, chiar si cosmetic
- kiznikol** 2 years ago
Good idea for a show. Maybe you could do an episode on Sephora. And it would be great to film from do tutorials because in this vid her hand was covering her moves so I couldn't see very well what she d



Upload Sign in

1:30

1:09

1:12

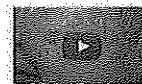
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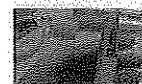
My Flormar Makeup Haul
by Mady Ruth
2,593 views



Remove Dark Spots
AD by Beverly Hills MD
232,737 views



Mes achats FLORMAR / من اللورمار
by Moroccan cooking cousou
4,660 views



КОСМЕТИКА ФЛОРМАР.Мое мнение.
by MsCHARMING90
12,236 views



Flormar جربته ورجلي
by Mona M
38,210 views



FLORMAR ¿Qué recomiendo?
by Sonorona
30,633 views



Birta hanerok Flormar P043 u Make-up Atelier T09
by Yula Orska
6,635 views



Iyisi ve kotusuyile Flormar
by Bilgenolls
17,266 views



Flormar - Natural Make Up with Hakan KÜHÜR
by Flormar Oficial
4,148 views



Flormar - Hakan KÜHÜR ile Natural Makyaj
by Flormar
15,835 views



Haul Acumulado Flormar Kiko
by relsho
28,424 views



¿Clones? ¿Párcidos? Lipstick M.A.C. Vs FLORMAR
by AmigasMakeup
6,531 views



Flormar - Hakan KÜHÜR ile Smokey Eyes Makyajı
by Flormar
4,197 views



Lush makeup tutorial - natural cosmetics
by AlexMakeupVlog
11,005 views

Derrick Carberry Make-Up Brushes
 by Holaprepireland
 37,217 views

Drugstore Diaries: Flormar Cosmetics
 by Jennifer Wan
 17,241 views

Review + haul flormar
 by nou4343 (nou mohammed)
 12,419 views

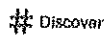
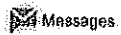
Make-up ep.5: Machiaj do club
 by Woman TV
 4,122 views

Flormar Lipstick Review Deluxe Cashmere | This is Eas
 by This is Eas
 8,629 views

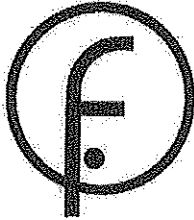
****2 w 1 test na żywo | makijaż jesienny. FLORMAR****
 by McOlimpie18
 10,269 views

Contouring & Highlighting- Kim Kardashian's Makeup secret!
 by GlamBoothTV
 18,404,225 views

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1



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Flormar Türkiye

@FlormarTürkiye

Flormar Türkiye resmi Twitter sayfası.

📍 İstanbul

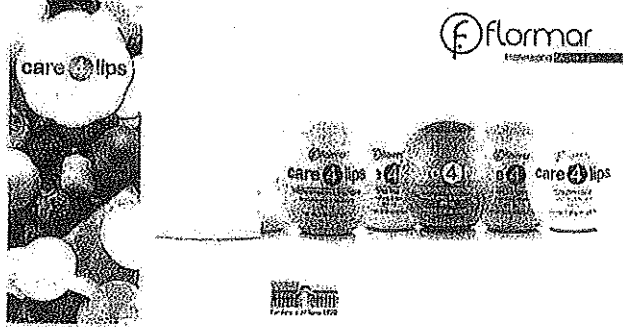
🌐 flormar.com.tr

🕒 Joined September 2010

✉ Tweet to Flormar Türkiye

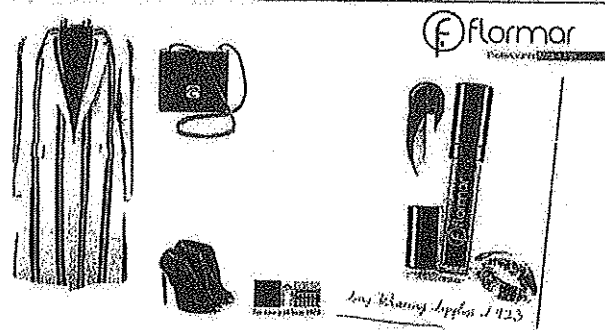
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Flormar Türkiye @FlormarTurkiye · 4h
Yoğun meyve aromalı kokusuyla, dudaklarınıza nem ve aydınlık katan yeni Care4lips koleksiyonu! bit.ly/Care4lips



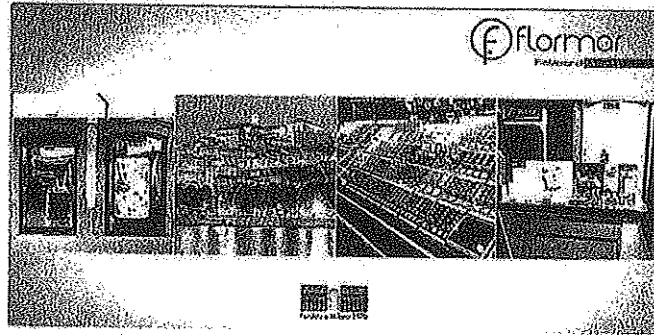
← 23 ★ 4 ...

Flormar Türkiye @FlormarTurkiye · 24h
Bordo Long Wearing dudak parlatıcısı ile sen de şıklığına renk kat! bit.ly/LongWearingLip...



← 23 ★ 1 ...

Flormar Türkiye @FlormarTurkiye · Mar 11
Flormar'ın Portekiz'deki 5. mağazası Gulmaras şehrinde açılmıştır. Tüm güzellik tutkunlarını bekliyoruz.



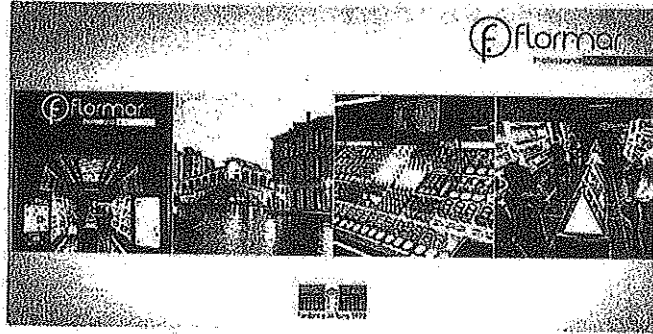
← 23 ★ ...

Home Notifications Messages **Flormar Türkiye** @FlormarTürkiye · Serinliş Twitter
 Hacımlı, dolgun, waterproof özellikleri ile yoğun siyah kirpikleri
bit.ly/Revolution_Mas...



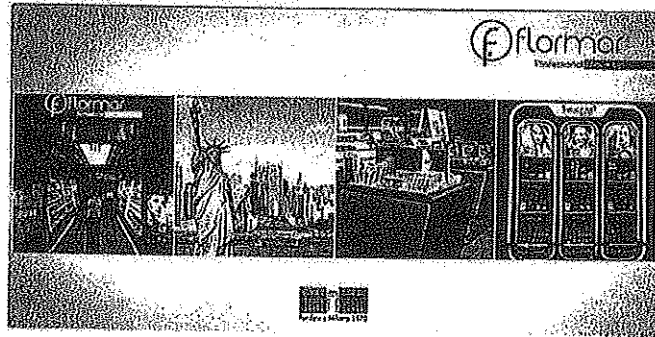
27 2 6 ...

Flormar Türkiye @FlormarTürkiye · Mar 10
 Flormar'ın İtalya'daki 10. mağazası Livorno şehrinde açılmıştır. Tüm
 güzellik tutkunlarını bekliyoruz.



27 1 1 ...

Flormar Türkiye @FlormarTürkiye · Mar 9
 Flormar'ın Amerika'daki iki yeni mağazası; Bronx şehrinde Bay Plaza'da
 ve Syracuse şehrinde Destiny AVM'de açıldı.



27 1 2 ...

Home

Notifications

Messages

Flormar Türkiye @FlormarTürkiye · March Twitter

Q



Kahve-tonlarındaki yoğun göz makyajını, nude tonlardaki rujunla tamamla. Sade ve şık güzelliğine ayrıcalık kat!



4 4 7 ...

Flormar Türkiye @FlormarTürkiye · Mar 8

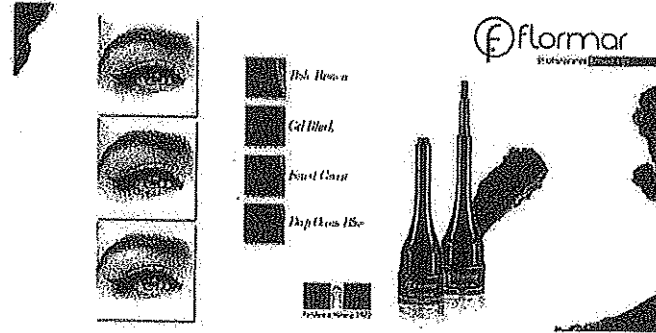
Güzelliğin rengi kadındır, 8 Mart Dünya Kadınlar Gününüz Kutlu Olsun.



2 13 ...

Flormar Türkiye @FlormarTürkiye · Mar 7

Mavi, siyah, yeşil ve kahverengi renk alternatifleri bulunan Gel Eyeliner ile çekici bakışları bit.ly/GelEyeliner_



3 4 ...

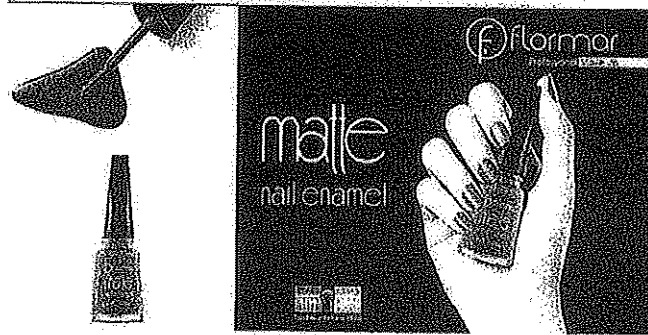
Home Notifications Messages Flormar Türkiye @FlormarTürkiye · March Twitter

Günlük sıklığını Flormar ürünleriyle tamamla, tarzını yansıt.



1 1

Flormar Türkiye @FlormarTürkiye · Mar 5
Renkli, mat tınakları bit.ly/Matte_NailEnam...



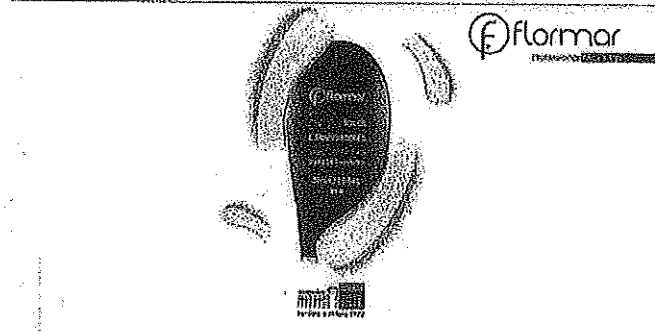
1 0

Flormar Türkiye @FlormarTürkiye · Mar 4
Pembe tonlardaki Pin-up rujları ile sen de günlük makyajına renk ve canlılık kat! bit.ly/Pin-Up_



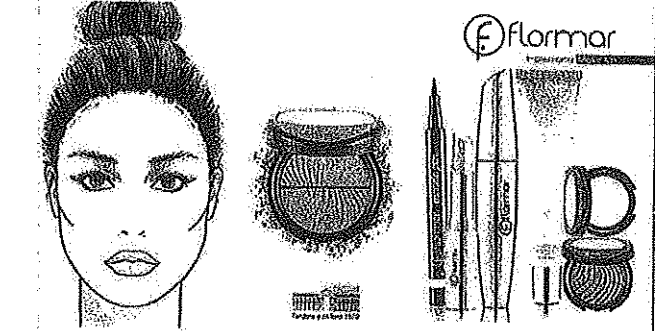
1 4

Home Notifications Messages **Flormar Türkiye** @FlormarTürkiye · Mar 2
Doğal görünüm ve mükemmel kapaticılığın sırrı, Soft Touch Fondöten!
bit.ly/Soft_Touch_Fou...



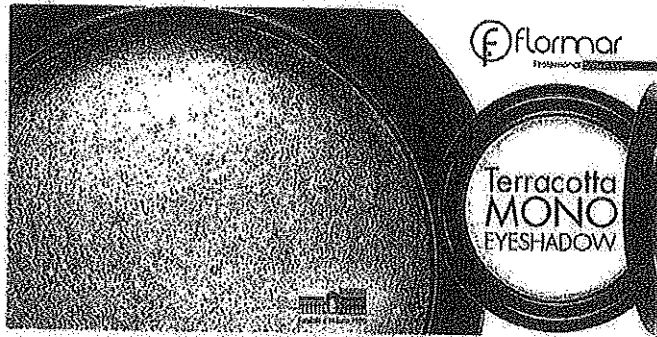
23 1 ...

Flormar Türkiye @FlormarTürkiye · Mar 2
Dumanlı göz makyajını nude tonlarındaki rujunla tamamla, makyaj stilini yansıt!



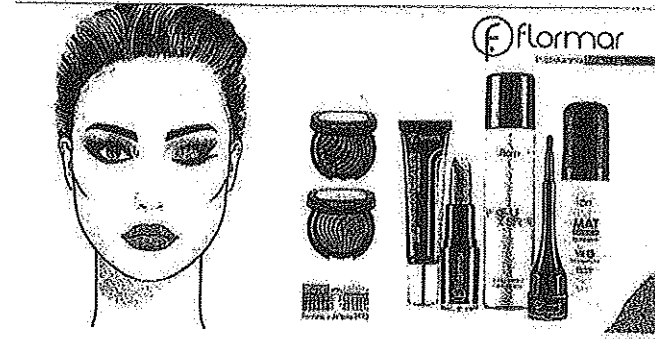
23 1 8 ...

Flormar Türkiye @FlormarTürkiye · Mar 1
İpekli dokusuyla ıslak ve kuru kullanılabilen Terracotta Mono Eyeshadow ile makyajına renk kat!
bit.ly/Mono_Eyeshadow_



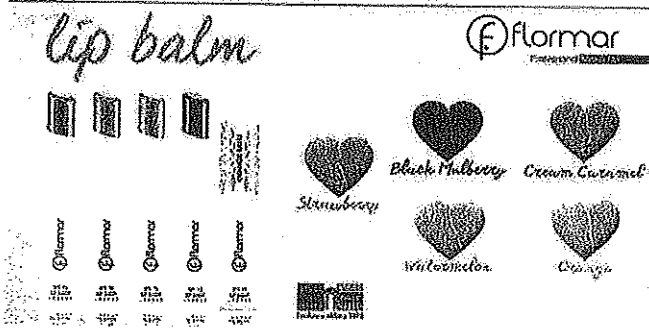
23 1 4 ...

Home Notifications Messages Flormar Türkiye @FlormarTürkiye · Feb 27 Flormar Türkiye @FlormarTürkiye · Feb 27 Twitter



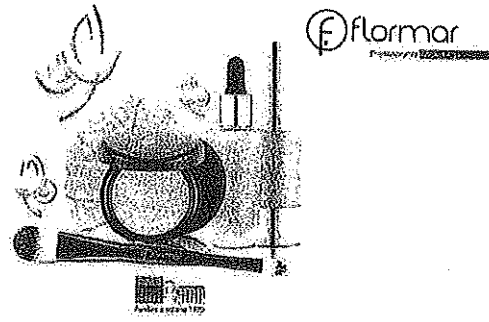
← 13 ★ 6 ...

Flormar Türkiye @FlormarTürkiye · Feb 27
Meyve tadında dokusu, yoğun nemlendirme özelliği ile kusursuz görünüm
Lip Balm serisinde! bit.ly/Lip_Balm_



← 13 ★ 3 ...

Flormar Türkiye @FlormarTürkiye · Feb 26
Flormar Reborn Collection'ın BB Krem Pudrası, Primer Highlighter'ı ve
Serum Fondöten'leriyle kusursuz cilt makyajı!



← 13 ★ 4 ...

Home Notifications Messages **Flormar Türkiye @FlormarTürkiye** · Feb 24 Twitter

Hacimli, uzun, kıvrımlı! Tüm kırpık tiplerine, özel fırçaları ile Flormar maskaraları.



2 3

Flormar Türkiye @FlormarTürkiye · Feb 24
Pembe Flormar Blush-on ile sen de gününe canlılık kat! bit.ly/blush_on




1 3


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

KOSAN KOZMETIK SANAYI VE TICARET
ANONIM SIRKETI,

OPPOSER,

V.

MIRJAM ASAM, MARCUS ASAM, and
AXEL RUTH

APPLICANTS.

Opp. No. 91218304

DECLARATION OF WILLIAM C. WRIGHT

WILLIAM C. WRIGHT declares and states as follows:

1. I am an attorney with the law firm of Epstein Drangel, LLP, located at 60 East 42nd Street, Suite 2410, New York, New York 10165. I am admitted to practice in the State of New York as well as the United States District Court for the Southern and Eastern Districts of New York.

2. This declaration is submitted in support of Applicant's Applicants' Motion For Leave To Amend Their Answer To Add Counterclaims.

3. I make this declaration on personal knowledge.

4. On February 3, 2015, Applicants served Opposer with a first round of interrogatories ("Interrogatories") and document requests ("Requests").

5. On March 13, 2015, Opposer served its responses to these Interrogatories and Requests. **EXHIBIT 1** is a copy of the Opposer responses Interrogatories and Requests.

6. Opposer's responses to Applicants' Requests failed to identify which documents were responsive to which request, and Opposer refused to supplement its responses. **EXHIBIT 2** is a copy of correspondence between counsel.

7. On April 14, 2015, the Board Ordered that Opposer, within ten days of the Order, identify which documents were in fact responsive to which of Applicants' Requests. **EXHIBIT 3** is a copy of the Board's Order.

8. On April 21, 2014, Opposer served Applicants with its supplemental responses, identifying which documents were response to which of Applicants' Requests. **EXHIBIT 4** is Opposer's supplemental responses and Applicants' relevant document production Nos. KOSAN00025 through KOSAN00068.

I declare under the penalty of perjury, that the foregoing is true and correct.

Dated: April 30, 2015

By:



William C. Wright

KOSAN KOZMETİK SANAYİ VE TİCARET
ANONİM ŞİRKETİ,

Opp. No. 91218304

MIRJAM ASAM, MARCUS ASAM, and
AXEL RUTH

APPLICANTS.

Applicants, by its undersigned attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicants lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore deny same.
2. Applicants lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 2 and therefore deny same.
3. Applicants lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 3 and therefore deny same.
4. Applicants lack sufficient knowledge or information to form a belief as to the

truth of the allegations in Paragraph 4 and therefore deny same.

5. Applicants lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 5 and therefore deny same.

7. Applicants admit that they filed an application to register the mark FLORA MARE and Design, Ser. No. 86080166, and that said application was published on July 22, 2014, but deny all other allegations in Paragraph 7.

8. Deny.

10. Deny.

COUNTERCLAIM

MIRJAM ASAM, MARCUS ASAM, and AXEL RUTH, individuals and German citizens, (hereinafter "ASAM") hereby, by its undersigned attorney, believe that they are or will be damaged by the U.S. registrations of FLORMAR and FLORMAR TURK MALI and Design, as reflected in Reg. Nos. 4626632 and 4472860 ("FLORMAR Marks") and hereby petitions to cancel same. The grounds for this counterclaim are set forth below.

1. Upon information and belief, on November 6, 2006, Opposer applied to register the mark FLORMAR TURK MALI and Design, Ser. No. 76668601, for "hand, face and body soaps for personal use, bath foam and bath salt, shampoos, hair tonics, hair conditioners, hair lotions styling gel, pomade for cosmetic purposes, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, toothpastes, cosmetic creams and cosmetic lotions, essential oils for personal use, make up powders, sun-tanning preparations, shaving foam and soap, non-medicated cosmetic preparations for skin care, namely, cleansing milk for toilet purposes, cosmetic cream, lotions for cosmetic purposes, tissues impregnated with cosmetic lotions, petroleum jelly for

cosmetic purposes, skin whitening creams, cosmetic preparations for slimming purposes; cleaning preparations for skin care, cleaning preparations for skin, skin moisturizers, beauty masks, make-up, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, after shave lotions and creams, deodorants for personal use; and baby-care products, namely, baby oil, baby powder, baby hair tonics, baby body creams, and cleaning milk for babies”. (FLORMAR TURK MALI and Design Application”). Said application issued to registration under Section 44(e) of the Trademark Act on January 28, 2014 under Reg. No. 4472860.

2. Upon information and belief, on January 18, 2012, Opposer applied to register the mark FLORMAR, Ser. No. 79115824, for “Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies”. (FLORMAR Application”). Said application issued to registration under Section 66(a) of the Trademark Act on October 28, 2014 under Reg. No. 4626632.

3. On October 1, 2013, Applicants filed a U.S. application to register the mark FLORA MARE and Design, Ser. No. 86080166, in Class 3, and that application was approved for publication on July 22, 2014.

4. On September 11, 2014, Opposer filed a Notice of Opposition, alleging a likelihood of confusion with its FLORMAR Marks.

5. Upon information and belief, Opposer as of its filing date of its FLORMAR TURK MALI and Design Application, did not have a bona fide intention to use in commerce the mark FLORMAR TURK MALI and Design for each and every item set forth in the FLORMAR TURK MALI and Design Application.

6. Upon information and belief, Opposer has never used in commerce the mark FLORMAR TURK MALI and Design, as reflected in Ser. No. 76668601, for any of the goods set forth in the FLORMAR TURK MALI and Design Application.

7. Upon information and belief, Opposer's application for and registration of FLORMAR TURK MALI and Design, Reg. No. 4472860, are void ab initio.

8. Upon information and belief, Opposer's mark FLORMAR TURK MALI and Design and the U.S. registration thereof, Reg. No. 4472860, have been abandoned.

9. Upon information and belief, Opposer as of its filing date of its FLORMAR Application, did not have a bona fide intention to use in commerce the mark FLORMAR for each and every item set forth in the FLORMAR Application.

10. Upon information and belief, Opposer has never used in commerce the mark FLORMAR, as reflected in Ser. No. 79115824, for all of the goods set forth in the FLORMAR Application.

11. Upon information and belief, Opposer's application for and registration of FLORMAR, Reg. No. 4626632, are void ab initio.

12. Upon information and belief, Opposer's mark FLORMAR and the U.S. registration thereof, Reg. No. 4626632, have been abandoned for all or some of the goods set forth in U.S. Reg. No. 4626632.

Respectfully submitted,

EPSTEIN DRANGEL, LLP

Dated: April 30, 2015

By: _____

William C. Wright
Jason M. Drangel
Robert L. Epstein
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel.: (212) 292-5390
Fax: (212) 292-5391

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **FIRST AMENDED ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM** was served by First Class Mail, with sufficient postage prepaid on this 30th day of April, 2015, upon Opposer's counsel:

P JAY HINES
MUNCY GEISSLER OLDS & LOWE PC
4000 LEGATO RD, STE 310
FAIRFAX, VA 22033
UNITED STATES

By: 