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

Proceeding no.	91290757
Party	Plaintiff DC Comics
Correspondence address	LEO KITTAY FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: lkittay@fzlz.com Secondary email(s): jweinberger@fzlz.com, anietes@fzlz.com, ttabfiling@fzlz.com 212-813-5900
Submission	Other Motions/Submissions
Filer's name	Leo Kittay
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Signature	/Leo Kittay/
Date	10/21/2024
Attachments	DECLARATION OF LEO KITTAY IN SUPPORT OF OPPOSITION TO MOTION TO COMPE L.pdf(179910 bytes)

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

DC COMICS, Opposer, -against- SUPERBABIES LIMITED, Applicant.	Opposition No. 91290757

DECLARATION OF LEO KITTAY IN SUPPORT OF OPPOSITION TO APPLICANT'S MOTION TO COMPEL

I, Leo Kittay, hereby declare under penalty of perjury:

1. I am a partner at Fross Zelnick Lehrman & Zissu, P.C. ("Fross Zelnick"), attorneys for DC Comics ("Opposer") and am supervising the above-captioned matter. I submit this declaration in support of Opposer's opposition to the motion to compel (the "Motion") filed by Applicant Superbabies Limited ("Applicant") on October 1, 2024. I make this declaration based on my personal knowledge of the facts and circumstances set forth herein, my review of my firm's records and oversight of this matter, and on the records of the Trademark Trial and Appeal Board (the "Board").

2. Applicant served discovery requests on Opposer on June 14, 2024. Opposer timely served on Applicant its responses on July 18, 2024, after the parties agreed to a short extension of the deadline.

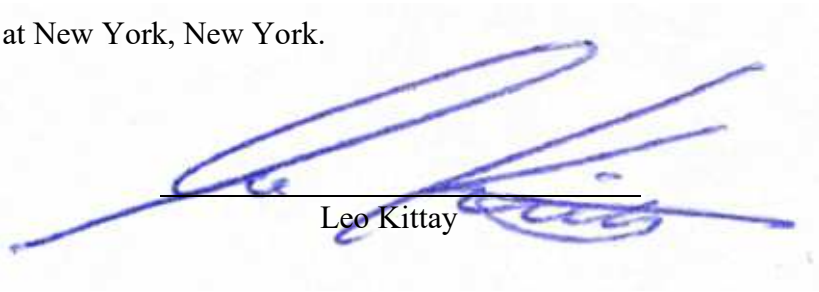
3. On July 24, 2024, Applicant asked Opposer to meet and confer regarding Opposer's discovery responses. The parties conducted this conference on August 9, 2024, during

which Applicant raised an objection regarding the responses at issue in the Motion. (5 TTABVUE Exh. C at 19-22 & Exh. D at 14.)

4. During this conference, I explained to Superbabies' counsel that DC was not taking the position that it owned the term SUPER *per se* but, rather, that DC owned and was asserting only the Asserted Marks and that such marks formed a family of marks. I then explained that the family of marks consisted of marks that had both a SUPER-prefix and suffixes akin to MAN, WOMAN, BOY, GIRL, FRIENDS, and PETS.

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

Executed this 21st day of October 2024 at New York, New York.



Leo Kittay

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of October 2024, I caused a true and correct copy of the foregoing to be sent by email to Applicant's correspondent of record at *aadler@reichmanjorgensen.com*, *khoang@reichmanjorgensen.com*, and *sjr9982@yahoo.co.uk*

/Yuoseph Karzoan/
Yuoseph Karzoan