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

Proceeding	91234467
Party	Plaintiff Blue Ivy
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Submission	Motion to Compel Discovery or Disclosure
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Date	09/01/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/883,293: BLUE IVY CARTER
Published in the Official Gazette of January 10, 2017 in all designated classes
(International Classes 3, 6, 9, 10, 12, 16, 18, 20, 21, 24, 26, 28, 35, and 41).

BLUE IVY,

Opposer,

v.

BGK TRADEMARK HOLDINGS, LLC,

Applicant.

Opposition No. 91234467

**BLUE IVY’S MOTION TO COMPEL DISCOVERY RESPONSES AND
DEPOSITION OF BEYONCÉ KNOWLES-CARTER**

Veronica Morales d/b/a Blue Ivy (“Blue Ivy” or “Opposer”) hereby moves the Board for an order compelling applicant BGK Trademark Holdings, LLC (“BGK” or “Applicant”) to respond to discovery requests and make its sole member, Beyoncé, available for a deposition.

REQUEST FOR TELEPHONE CONFERENCE

Because time is of the essence, Opposer requests a telephone conference to resolve this Motion to Compel, and BGK’s pending Motion for Entry of a Protective Order. *See* Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 502.06(a).

INTRODUCTION

BGK – who is actually just the famous singer Beyoncé Knowles-Carter¹ – was required to respond to Blue Ivy’s discovery requests on Monday, August 21, 2017. But instead of responding substantively to any of Blue Ivy’s requests, her lawyers merely served boilerplate “objections”: she has produced *no documents, no interrogatory responses*, and has refused to make herself available for a deposition or even provide available dates. (Declaration of Ryan E. Hatch (“Hatch Decl.”), Exhibits A, B, C, and D².)

Beyoncé’s excuse for slamming the discovery door in Blue Ivy’s face is her team of lawyers’ eleventh-hour motion for entry of a modified protective order. The modifications she now demands, none of which are warranted, should have been raised long ago at the parties’ Discovery Conference (but were not). What’s more, none of these modifications excuse Beyoncé’s total and complete refusal to respond substantively to *any* of Blue Ivy’s discovery requests. To wit:

1. Beyoncé now demands that the Board treat as “Confidential” all “irrelevant details” about her “private life and non-public business dealings” – but no such “irrelevant” details are even being requested in any of Blue Ivy’s discovery requests – nor she cannot identify any;
2. Beyoncé demands that the Board treat as “Confidential” all “deposition

¹ The BGK admits that it “is wholly owned by Mrs. Carter, and that she is its sole member.” See BGK’s Answer at ¶ 11. BGK and its attorneys have also stopped making any meaningful distinction between the applicant entity and Beyonce herself. See, e.g., August 18, 2017 Motion for Entry of Protective Order at 6 (arguing that the definition of “Confidential” should encompass all “private facts about Mrs. Carter’s personal life and non-public business dealings.”)

² All exhibits herein are attached to the Hatch Declaration.

logistics” information to ensure her and her family’s “safety;” but there is nothing unsafe about a deposition, nor does this excuse her failure to respond to Requests for Production or Interrogatories;

3. Beyoncé demands that the Board impose “potential terminating sanctions” for violations of the protective order, but according to BGK, this “does nothing more than state the law.”

Making matters worse, Beyoncé’s lawyers flat-out refuse to say whether they have even collected the requested documents, tangible things, and other information that Blue Ivy has lawfully requested. For all we know, nobody has commenced *any* collection efforts. Nor will the lawyers agree to a specific timeframe – any number of days, weeks, or months – in which their client will produce any requested materials, even after their meritless motion for a new protective is resolved.

These and other tactics are an improper attempt by a famous billionaire celebrity, with virtually unlimited legal and financial resources at her disposal (she just purchased a \$135,000,000 Bel Air mansion with four pools, eight bedrooms, 11 bathrooms, and a helicopter landing pad), to delay and obstruct the discovery process and intimidate a much smaller opponent. But justice delayed is justice denied. Nobody – not even Beyoncé – is above the law. She must respond fully and completely to all of Blue Ivy’s discovery requests.

BACKGROUND

Blue Ivy filed this opposition proceeding on May 10, 2017. Blue Ivy asserts three grounds for opposition to the BLUE IVY CARTER mark: (1) priority and likelihood of confusion; (2) no bona fide intent to use the mark in commerce (as Jay Z

admitted to Vanity Fair); and (3) fraud on the USPTO. (Dkt. 1, the “Opposition.”) On May 10, 2017, the Board issued a schedule providing that discovery opens on July 19, 2017. The status of the parties’ discovery efforts are as follows.

Blue Ivy’s Early Discovery on Jonathan Schwartz

Beyoncé did not agree to Blue Ivy’s request for early discovery on Jonathan Schwartz, arguing among other things that motion was “premature,” that his “incarceration may aid opposer in obtaining a deposition” (an argument only a lawyer could love), and that evidence of BGK’s intent to use the mark could be obtained from “other ... sources.” (BGK’s June 6, 2017 Opposition Br. at 7.) Following a motion brought by Blue Ivy, on June 21, 2017 the Board issued an Order allowing early discovery to proceed immediately as to Mr. Schwartz, who had signed the subject application Serial No. 86883293. Thereafter, Blue Ivy served its subpoena on Mr. Schwartz, requesting a deposition and documents relating to, among other things, his role as “Executive Vice President” at BGK and its intent to use the BLUE IVY CARTER mark.³ (Ex. E at 4-8.)

In response to the subpoena, Mr. Schwartz testified by declaration that he did not recall any documents or communications showing or relating to any “intent to use the mark BLUE IVY CARTER on any goods and services, either before, on or after January

³ For example, Blue Ivy requested that Mr. Schwartz produce “All Documents and Communications relating any intent to use the mark BLUE IVY CARTER on any goods and services as of the Application Date,” “All Communications with Knowles-Carter relating to an intent to use the mark BLUE IVY CARTER on any goods and services,” and “All Documents and Communications relating to BGK’s bona fide intention to use the BLUE IVY CARTER mark in commerce on or in connection with the identified goods and services in the BGK Trademark Application, comprising the goods and services identified under International Classes 003, 006, 009, 010, 012, 016, 018, 020, 021, 024, 026, 028, 035, and 041.” (Hatch Decl., Ex. A at 1-2.)

22, 2016.” (Ex. E at 2, ¶¶ 11-12.) Thus, the testimony of Beyoncé’s former Executive Vice President supported Blue Ivy’s grounds for opposition.

Mr. Schwartz further testified that he “often spoke with Ms. [Beyoncé] Knowles-Carter about [his] work for her and documents that [he] was to execute under power of attorney,” and that “he would not have signed” the declaration of bona fide intent to use without authorization. (*Id.*, ¶¶ 5 and 10.) Mr. Schwartz confirmed that Beyoncé herself is in the driver’s seat at her namesake BGK entity – as one would expect as the person with whom its executive dealt with directly, and its admitted sole owner and member. The parties’ Discovery Conference ensued.

The Discovery Conference

As required, the parties held their Discovery Conference on July 18, 2017. (Hatch Decl., ¶ 10.) During the conference, the parties discussed their disclosures of documents and information and otherwise complied with the requirements of the Board’s May 10, 2017 Order (“May 10 Order”).

Importantly, the parties were instructed to raise at this early conference any request that they may have had for an “alternative or modified protective order, subject to approval by the board.” (May 10 Order at 5.) BGK never indicated during the conference that it required a modified Protective Order. This omission is significant, because by that time Blue Ivy had already served its Initial Disclosures on May 15, 2017, identifying both Beyoncé and Shawn Corey Carter (Jay Z) as individuals upon which it intended to seek discovery. (Hatch Decl., ¶ 9.) Indeed, both persons have relevant information about whether there was any true intent to market products under the BLUE IVY CARTER mark, or whether they simply want to prevent others from

doing using the name of their child.

Blue Ivy's Discovery Requests

Following the parties' Discovery Conference and after the opening of discovery, Blue Ivy served a set of initial discovery requests on BGK. These included a Notice of Deposition of BGK's sole member, Beyoncé, Interrogatory Sets One and Two, and Requests for Production. (Hatch Decl., ¶ 11, Ex. A-D.) In this discovery, Blue Ivy requested information relevant to the parties' claims and defenses, including:

- BGK's intent to use or actual use of the BLUE IVY CARTER mark in commerce (Interrogatories 1-13, 15-16; RFPs 1-5, 8-14, 38-39);
- BGK's filing of the subject application (Interrogatory 14; RFPs 6-7, 15-20, 37, 40-43);
- BGK's corporate structure and organization (Interrogatories 18-20, RFPs 22-23);
- Information relevant to service of a subpoena on Mr. Carter (Interrogatories 21-24);
- BGK's defenses (RFP 21, 36-36);
- Information relating to the opposer Blue Ivy (RFPs 24-26);
- Information relating to the likelihood of confusion factors (RFPs 27-34);

BGK'S responses to Blue Ivy's discovery requests were due on Monday, August 21, 2017. But instead of responding substantively to any of Blue Ivy's requests, BGK merely served boilerplate "objections": it produced *no documents*, *no interrogatory responses*, and has *refused* to make Ms. Carter available for a deposition or even provide

available dates. (Hatch Decl., Ex. A-D.) This motion followed.

LEGAL STANDARDS

The Board “expects parties (and their attorneys or other authorized representatives) to cooperate with one another in the discovery process,” and looks with “extreme disfavor” on parties and attorneys who do not. TBMP § 408.01. Each party and attorney “has a duty not only to make a good faith effort to satisfy the discovery needs of its adversary.” *Id.*

Parties may obtain discovery regarding “any nonprivileged matter that is relevant to any party’s claim or defense,” with considerations to other factors such as proportionality and the parties’ resources. Fed. R. Civ. P. 26(b)(1). In Board proceedings, the normal tools of discovery such as requests for production, interrogatories, and depositions are available. *See* Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) §§ 404, 405, and 406.) Parties must respond to discovery requests “during the time allowed therefor,” absent “excusable neglect.” *Id.*, § 410.

DISCUSSION

A. Blue Ivy’s discovery is not “premature”

BGK has responded to each of Blue Ivy’s discovery requests with the same boilerplate objection:

“Applicant objects that this [Interrogatory/Request] is premature, due to the absence of an agreed upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.”

(*See* Hatch Decl., Ex. A (Re: Interrogatories, Set 1, Nos. 1-20) at 5-18; Ex. B (Re:

Interrogatories, Set 2, Nos. 21-24) at 4-6; Ex. C (RFPs, Set 1, Nos. 1-43) at 5-33); Ex. D (Re: Carter Deposition Notice) at 1-2 (similar “premature” objection)).

As an initial matter, Blue Ivy’s discovery requests were not “premature” at all. Discovery opened on July 19, and the discovery requests were served on July 20. The parties’ held a Discovery Conference without any mention from BGK of needing a revised protective order. Moreover, BGK herself has served Blue Ivy with numerous sets of discovery requests, including 39 Requests for Admission, 61 Requests for Production, and 24 Interrogatories. (Hatch Decl., ¶ 12.) Clearly, BGK believes that discovery is not “premature,” at least as against Blue Ivy. Nor can it impose such a double-standard.

BGK’s tactics were also procedurally improper. The Board’s rules provide that it is “generally inappropriate for a party to respond to a request for discovery by filing a motion attacking it, such as a motion to strike, a motion to suppress or a motion for a protective order.” *Id.*, § 410 (emphasis added); *see also* § 526. Responding with a motion would only have been permissible in this instance for discovery that constitutes “clear harassment.” *Id.* § 526 (also enumerating other ground that cannot apply). This is not even arguably the case with any of Blue Ivy’s requests. Thus, the required course of action would have been for BGK to “respond by providing the information sought in those requests or portions of requests that it believes to be proper, and stating its objections to those requests or portions of requests that it believes to be improper.” TBMP, § 410, *citing Emilio Pucci International BV v. Sachdev*, 118 USPQ2d 1383, 1385 (TTAB 2016) (filing of a motion for a protective order instead of responding to discovery requests in timely manner is procedurally improper).

BGK was obligated to respond fully to the extent it could under the Board’s Standard Protective Order, which already protects “confidential” information. The rules

provide that objections to “a characteristic or attribute of the responsive information,” such as by claiming it is trade secret, business-sensitive or otherwise confidential – are “expected to be minimal in view of the automatic imposition of the Board’s standard protective order.” See TBMP § 410, *citing* 37 C.F.R. 2.116 (emphasis added). Yet, contrary to being “minimal,” BGK has repeated this same boilerplate objection in response to in *each and every discovery request* that Blue Ivy has made.

B. None of BGK’s requested revisions to the protective order are justified, nor do they excuse her withholding documents and other discovery

As discussed above, BGK was not entitled to object and not respond to Blue Ivy’s discovery requests on the basis that she needs a revised protective order. But even considering the proposed revisions she now demands, none justify withholding documents and other discovery from Blue Ivy.⁴

First, BGK demands that the Board treat as “Confidential” all “irrelevant details” about her “private life and non-public business dealings.” But no such “irrelevant” details are even being requested in any of Blue Ivy’s discovery requests. As evidence of this fact, during the parties’ meet and confer on this motion, BGK’s attorneys could not identify *a single* request from Blue Ivy that would fall into such a category. This is merely a ruse to delay discovery.

Second, BGK demands that the Board treat as “Confidential” all “deposition logistics” information to ensure her and her family’s “safety.” Setting aside that there is nothing unsafe about attending a deposition, this is simply no excuse for her failure to

⁴ Blue Ivy opposes and will respond separately to BGK’s motion for a revised protective order.

respond to Requests for Production or Interrogatories.

Third, BGK requests that the Board impose “potential terminating sanctions” for violations of the protective order. According to BGK, this “does nothing more than state the law.” If so, then it is entirely unnecessary to insist on including this provision in the protective order. Moreover, Blue Ivy has always been and remains willing to sign and be bound by the Board’s Standard Protective Order (or its agreed edits to BGK’s proposed protective order). (Hatch Decl., ¶ 14.)

C. BGK must be compelled to respond substantively to all of Blue Ivy’s document requests and be deposed

The Board’s rules provide that parties “cannot withhold properly discoverable information on the basis of confidentiality,” because the terms of standard protective order “automatically apply.” TBMP 412.01. In such instances where a party has improperly refused to provide discoverable information on grounds of confidentiality, the Board may “order the party to provide such information consistent with the terms of the protective order.” *Id.* Such an order is necessary here, to ensure that BGK actually responds to Blue Ivy’s discovery requests. Her and her team of attorneys’ conduct to date provides no such assurances.

For example, Beyoncé’s lawyers refuse to say whether they have even collected the requested documents, tangible things, and information that Blue Ivy has requested. (Hatch Decl., ¶ 13.) For all we know, she has not even begun her collection efforts and has no intention of doing so. Nor will she agree to a specific timeframe – a number of days, weeks, or months – in which she will produce the requested materials, tangible things, and information, or allow for the noticed deposition to proceed. (*Id.*) At the same

time, she has already vigorously asserted her own round of extensive discovery on Blue Ivy.

A Board order is therefore necessary 1) overruling BGK's objections, 2) compelling BGK to answer fully, and produce all documents and tangible things in response to, all of Blue Ivy's document requests within five days, and 3) compelling Beyoncé's deposition in opposer's offices within 30 days. Absent a Board order, Beyoncé will likely continue to leverage her near-limitless legal and financial resources to obstruct Blue Ivy's discovery requests, while simultaneously pursuing her own discovery against Blue Ivy.

CONCLUSION

For the reasons discussed above, Opposer respectfully requests that the Board issue an Order 1) overruling BGK's objections to Blue Ivy's discovery requests, 2) compelling BGK to answer fully, and produce all documents and tangible things in response to, all of Blue Ivy's document requests within five days, and 3) compelling Beyoncé's deposition in opposer's offices within 30 days.

Date: September 1, 2017

LAW OFFICE OF RYAN E. HATCH

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BLUE IVY,

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BGK TRADEMARK HOLDINGS, LLC,

Applicant.

Opposition No. 91234467

MEET AND CONFER STATEMENT

I, Ryan E. Hatch, hereby certify that I, representing opposer Blue Ivy (“Blue Ivy”), met and conferred pursuant to Federal Rule of Civil Procedure 26(c)(1) and TBMP section 412.06 with counsel for applicant, BGK Trademark Holdings, LLC (“BGK”). *See* Declaration of Ryan E. Hatch ¶ 13. BGK stated that it opposes Blue Ivy’s motion to compel.

Date: September 1, 2017

LAW OFFICE OF RYAN E. HATCH

By: / Ryan E. Hatch /
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Attorney for Opposer Blue Ivy

CERTIFICATE OF SERVICE

I hereby certify that a copy of this **MOTION TO COMPEL DISCOVERY**
RESPONSES AND DEPOSITION OF BEYONCÉ KNOWLES-CARTER has been
served upon:

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/ Ryan E. Hatch /

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Applicant.

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**DECLARATION OF RYAN E. HATCH IN SUPPORT OF MOTION TO
COMPEL DISCOVERY RESPONSES AND DEPOSITION OF BEYONCÉ
KNOWLES-CARTER**

I, Ryan E. Hatch, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of twenty-one and have never been convicted of a felony. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

2. I am counsel for opposer Veronica Morales d/b/a Blue Ivy (“Blue Ivy” or “Opposer”) in this action against BGK Trademark Holdings, LLC (“BGK” or “Applicant”).

3. Attached hereto as Exhibit A is a true and correct copy of BGK Trademark Holdings, LLC’s Responses and Objections to Blue Ivy’s First Set of Interrogatories, dated August 21, 2017.

4. Attached hereto as Exhibit B is a true and correct copy of BGK

Trademark Holdings, LLC's Responses and Objections to Blue Ivy's Second Set of Interrogatories, dated August 21, 2017.

5. Attached hereto as Exhibit C is a true and correct copy of BGK Trademark Holdings, LC's Responses and Objections to Blue Ivy's First Set of Requests for Production of Documents and Things, dated August 21, 2017.

6. Attached hereto as Exhibit D is a true and correct copy of BGK Trademark Holdings, LLC's Objections to Blue Ivy's Notice of Deposition of Beyoncé Giselle Knowles-Carter, dated August 21, 2017.

7. Attached hereto as Exhibit E is a true and correct copy of the Declaration of Jonathan Todd Schwartz, dated June 25, 2017.

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

9. Blue Ivy served its Initial Disclosures on May 17, 2017, listing Beyoncé Knowles-Carter and Shawn Corey Carter as witnesses having relevant testimony.

10. On July 18, 2017, Laura Washington (counsel for BGK) and I held the required Discovery Conference. During the conference, we discussed the parties' disclosures of documents and information and otherwise complied with the requirements of the Board's May 10, 2017 order. Ms. Washington never indicated during the conference that BGK required a modified Protective Order, nor did she mention any specific modifications to the order, including any of the modifications now requested by BGK. Nor did she ever indicate this until after Blue Ivy served its discovery requests.

11. On July 20, 2017, Blue Ivy served a Notice of Deposition of BGK's sole member, Beyoncé; its Interrogatory Sets One and Two; and Requests for Production on

BGK. These discovery requests are replicated in BGK's responses, which are already attached hereto as Exhibits A-D. For the sake of brevity they are not attached hereto, but Blue Ivy is willing to provide those if the Board wishes.

12. On August 21, 2017, BGK served Blue Ivy with her own discovery requests, including 39 Requests for Admission, 61 Requests for Production, and 24 Interrogatories.

13. On August 28, 2017, I held a meet and confer with BGK's counsel, Laura Washington and Jonathan Sandler. Ms. Washington did all the speaking for BGK,. During the conference, I asked whether BGK had collected all documents, tangible things, and information responsive to Blue Ivy's discovery requests. Ms. Washington would not respond substantively to the question, including with either a yes or no. I also asked Ms. Washington which of Blue Ivy's discovery requests (e.g. which specific interrogatories and requests for production) seek "irrelevant details" about Mrs. Carter's life and business dealings. Ms. Washington could not identify any specific interrogatories or document requests. I also asked Ms. Washington whether BGK would agree to respond substantively to our discovery requests within a specific time frame (e.g. 5 days) after the Court rules on BGK's motion for a protective order. Ms. Washington would not agree to any specific length of time other. She only referred to a "reasonable" period of time as determined by the Court.

14. Blue Ivy has always been and remains willing to sign and be bound by the Board's Standard Protective Order (or its agreed edits to BGK's proposed protective order).

15. Executed this day of May 17, 2017

By: / Ryan E. Hatch /
Ryan E. Hatch

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
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BLUE IVY, <div style="text-align: center;">Opposer,</div> <div style="text-align: center;">v.</div> BGK TRADEMARK HOLDINGS, LLC, <div style="text-align: center;">Applicant.</div>		Opposition No. 91234467
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**BGK TRADEMARK HOLDINGS, LLC’S RESPONSES AND OBJECTIONS TO BLUE
IVY’S FIRST SET OF INTERROGATORIES**

PROPOUNDING PARTY: **Blue Ivy**

RESPONDING PARTY: **BGK Trademark Holdings, LLC**

SET NUMBER: **One (1)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, and 37 C.F.R. Section 2.120(d), Applicant BGK Trademark Holdings, LLC (“BGK” or “Applicant”), by and through its undersigned counsel, provide the following responses and objections (the “Responses”) to Opposer Blue Ivy’s (“Blue Ivy” or “Opposer”) First Set of Interrogatories (the “Interrogatories”):

PRELIMINARY STATEMENT

The following Responses are based upon the facts, documents, and information presently known and available to Applicant. Discovery, investigation, research, and analysis are ongoing in this case and may disclose the existence of additional facts, add meaning or interpretation to

known facts or documents, or lead to additions, variations, and/or changes to these Responses. Furthermore, these Responses were prepared on Applicant's good faith interpretation and understanding of the definitions in the Interrogatories, and are subject to correction for inadvertent errors or omissions, if any. Applicant reserves the right, but does not assume any obligation beyond the requirements of the Federal Rules, and the rules of the Trademark Trial and Appeal Board ("TTAB"), to amend or supplement the Responses set forth herein if presently existing, different, or additional information is subsequently discovered. A full or partial response to an Interrogatory is not a waiver by Applicant of its right to object to any other part of the Interrogatory or later supplement its Response to that Interrogatory.

The general and specific objections set forth below are intended to apply to all information produced or provided pursuant to the Responses. Furthermore, the Responses do not waive any objections by Applicant, in this or in any subsequent proceeding, on any grounds, including objections as to the competency, relevancy, materiality, privilege or admissibility of the Responses, or the subject matter thereof. It should not be inferred from the form or substance of any objection or Response herein that Applicant is in agreement with Opposer's characterization of the facts in any Request.

As Opposer is aware, Applicant has moved the Board to enter an alternate protective order to govern discovery in this proceeding. Because Applicant's substantive responses to these Interrogatories would contain confidential information, Applicant is unable to provide those responses unless and until the governing protective order has been issued. Upon the Board's issuance of its ruling on Applicant's pending motion for a protective order, and execution of a protective order consistent with the Board's ruling, Applicant will supplement these Responses.

Subject to the foregoing, Applicant responds to the Interrogatories as follows:¹

GENERAL OBJECTIONS

Applicant asserts the following general objections (“General Objections”), which shall apply to the Interrogatories in their entirety and which shall be incorporated into each of Applicant’s Responses to the individual Interrogatories:

1. Applicant objects generally to the Interrogatories to the extent they seek information that is not relevant to the allegations set forth in Opposer’s May 10, 2017 Notice of Opposition (“Opposition”) nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects generally to the Interrogatories to the extent they seek the disclosure of information that is protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. Inadvertent disclosure of any information subject to any applicable privilege or doctrine, including, but not limited to, the attorney-client privilege and the work-product doctrine, is not intended to be, and shall not operate as, a waiver of any such privilege or doctrine, in whole or in part. Nor is any such inadvertent disclosure intended to be, nor shall it constitute, a waiver of the right to object to any use of such information.

3. Applicant objects generally to the Interrogatories to the extent they call for legal conclusions, or call for the disclosure of legal opinions and/or work product.

4. Applicant objects generally to the Interrogatories to the extent they seek discovery not currently in Applicant’s possession, custody, or control.

¹ Unless otherwise stated, all defined terms used herein use the definitions assigned to them in Blue Ivy’s first set of interrogatories to BGK.

5. Applicant objects generally to the Interrogatories to the extent the burden or expense of the proposed discovery outweighs its likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii)

6. Applicant objects generally to the Interrogatories to the extent they seek information that is private, confidential, and/or proprietary, or constitutes trade secrets and/or other similarly protected confidential information. Such information, to the extent it is not privileged or otherwise objectionable, will be provided in accordance with the protective order entered in this action.

7. Applicant objects generally to the Interrogatories to the extent they infringe any constitutional, statutory, or common law privacy interest of any individual or entity.

8. Applicant objects to Opposer's "Instructions" to the extent they purport to impose any requirement or discovery obligation other than or beyond those set forth in the applicable Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the TTAB Manual of Procedure. By objecting herein, Applicant does not waive its right to further object to any discovery on bases not specifically provided for by the Federal Rules of Civil Procedure or the TTAB Manual of Procedure.

9. Applicant objects generally to Opposer's use of the word "services" in the Interrogatories as vague and ambiguous. Applicant interprets "services" to mean "services for which one may obtain a trademark through the USPTO."

10. Nothing in these Responses shall be construed to waive rights or objections that are otherwise available to Applicant, nor shall Applicants' response to any of these Interrogatories be deemed an admission of relevancy, materiality, or admissibility in evidence of the Interrogatory or of the Responses thereto.

SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1:

Identify all circumstances that demonstrate an intent to use the BLUE IVY CARTER mark in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO. 1:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 2:

Identify all Documents that demonstrate an intent to use the BLUE IVY CARTER mark in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO. 2:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY

CARTER mark. Applicant further objects that this request is unduly burdensome in light of Opposer's overlapping requests for production of documents. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 3:

Identify all tangible things that demonstrate an intent to use the BLUE IVY CARTER mark in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO. 3:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase "intent to use" and (2) to the extent not imposing the legal definition of "intent to use" is vague and ambiguous. Applicant will construe "intent to use" to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further objects that this request is unduly burdensome in light of Opposer's overlapping requests for production of documents. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable

to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 4:

Identify all testimony or other evidence that demonstrates an intent to use the BLUE IVY CARTER mark in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO. 4:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine. Applicant objects to this Request as premature, as discovery, investigation, research, and analysis are ongoing and no testimony has been taken.

Applicant further objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 5:

Identify all suppliers for products or other tangible things bearing the BLUE IVY CARTER mark.

RESPONSE TO INTERROGATORY NO. 5:

Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 6:

Identify all manufacturers for products or other tangible things bearing the BLUE IVY CARTER mark.

RESPONSE TO INTERROGATORY NO. 6:

Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 7:

Identify all purchasers of products or other tangible things bearing the BLUE IVY CARTER mark.

RESPONSE TO INTERROGATORY NO. 7:

Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 8:

Identify the date of Your first bona fide intention to use the BLUE IVY CARTER mark in United States commerce.

RESPONSE TO INTERROGATORY NO. 8:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “bona fide intention” and (2) to the extent not imposing the legal definition of “bona fide intention” is vague and ambiguous. Applicant will construe “bona fide intention” to mean the earliest date Applicant considered using the BLUE IVY CARTER mark in commerce. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 9:

Describe all goods for which You intended to use the mark BLUE IVY CARTER in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO. 9:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intended to use” and (2) to the extent not imposing the legal definition of “intended to use” is vague and ambiguous. Applicant will construe “intended to use” to mean “considered using.” Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 10:

Describe all services for which You intended to use the mark BLUE IVY CARTER in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO 10:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intended to use” and (2) to the extent not imposing the legal definition of “intended to use” is vague and ambiguous. Applicant will construe “intended to use” to mean “considered using” the BLUE IVY CARTER mark. Applicant objects to this Interrogatory to

the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 11:

Identify all persons having knowledge of Your intent to use the mark BLUE IVY CARTER in United States commerce, as of January 22, 2016.

RESPONSE TO INTERROGATORY NO. 11:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 12:

Describe the marketing channels in which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO INTERROGATORY NO. 12:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean “consider using.” Applicant further objects to this Request on the ground that it is vague and ambiguous as to the term “marketing channels.” Applicant will construe “marketing channels” to mean “the people, organizations, and activities necessary to transfer the ownership of goods from the point of production to the point of consumption.” Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 13:

Describe the advertising channels in which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO INTERROGATORY NO. 13:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean “consider using.” Applicant specifically objects to this Interrogatory on the ground that it is vague and ambiguous as to the term “advertising channels.” Applicant will construe “advertising channels” to mean “the media used by a company to advertise their products and inform the customers about some promotion.” Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 14:

Identify all individuals at GSO who have performed services on Your behalf in connection with the 2016 Trademark Application.

RESPONSE TO INTERROGATORY NO. 14:

Applicant specifically objects to this Interrogatory on the ground that it is vague and ambiguous as to the term “performed services on Your behalf.” Applicant will construe “performed services on Your behalf” to mean “acted at Your direction and with Your

authority.” Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 15:

Identify all evidence contradicting Mr. Carter’s statement in the Vanity Fair Article the BLUE IVY CARTER trademark was filed “merely so that nobody else could.”

RESPONSE TO INTERROGATORY NO. 15:

Applicant specifically objects to this Interrogatory as vague and ambiguous as to the meaning of the word “contradicting.” Applicant objects that this Interrogatory calls for information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of relevant information. The Vanity Fair Article was published in 2013, three years before the relevant time period when Applicant filed the 2016 Trademark Application. Further, Mr. Carter is not—nor has he ever been—an officer or employee of BGK; his alleged statements are not attributable to Applicant. Applicant further objects that this Interrogatory calls for a legal conclusion to the extent it requests that Applicant identify evidence that impeaches Mr. Carter’s alleged statement. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine. Applicant objects to this Interrogatory as premature, as discovery, investigation, research, and analysis are ongoing and no testimony has been taken.

Applicant further objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 16:

Identify all evidence contradicting Mr. Carter's statement in the Vanity Fair Article that "it wasn't for use [*sic*] to do anything" to use the BLUE IVY CARTER mark.

RESPONSE TO INTERROGATORY NO. 16:

Applicant specifically objects to this Interrogatory as vague and ambiguous as to the meaning of the word "contradicting." Applicant objects that this Interrogatory calls for information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of relevant information. The Vanity Fair Article was published in 2013, three years before the relevant time period when Applicant filed the 2016 Trademark Application. Further, Mr. Carter is not—nor has he ever been—an officer or employee of BGK; his alleged statements are not attributable to Applicant. Applicant further objects that this Interrogatory calls for a legal conclusion to the extent it requests that Applicant identify evidence that impeaches Mr. Carter's alleged statement. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine. Applicant objects to this Interrogatory as premature, as discovery, investigation, research, and analysis are ongoing and no testimony has been taken.

Applicant further objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is

unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 17:

Describe how You first became aware of Blue Ivy.

RESPONSE TO INTERROGATORY NO. 17:

Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 18:

Describe the responsibilities of Ms. Knowles-Carter in BGK.

RESPONSE TO INTERROGATORY NO. 18:

Applicant objects to this Interrogatory as vague and ambiguous as to “responsibilities.” Applicant construes this Interrogatory to seek a description of Ms. Knowles-Carter’s day-to-day actions related to the operation of BGK. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable

to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 19:

Describe the responsibilities of Celestine Knowles Lawson, if any, in BGK.

RESPONSE TO INTERROGATORY NO. 19:

Applicant objects to this Interrogatory as vague and ambiguous as to “responsibilities.” Applicant construes this Interrogatory to seek a description of Celestine Knowles Lawson’s day-to-day actions related to the operation of BGK. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 20:

Identify all persons who have acted for or on behalf of BGK.

RESPONSE TO INTERROGATORY NO. 20:

Applicant objects to this Interrogatory as vague and ambiguous as to “acted for or on behalf of.” Applicant construes “acted for or on behalf of” to mean “acted at the direction of and with the authority of.” Applicant objects to this Interrogatory as overbroad and unduly burdensome in that it calls for information that bears no connection to this proceeding.

Applicant, therefore, limits the scope of its response to only those persons who have acted for or on behalf of BGK in connection with the preparation and filing of the 2016 Trademark Application. Applicant objects to this Interrogatory to the extent it calls for information subject to the attorney-client privilege or the work-product doctrine.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

Dated: August 21, 2017

LATHAM & WATKINS LLP

/Marvin S. Putnam/

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Tel: (424) 653-5500

Fax: (424) 653-5501

Counsel for Applicant

BGK Trademark Holdings, LLC

CERTIFICATE OF SERVICE

I, John Eastly, hereby certify on August 21, 2017, that I served a true and correct copy of the foregoing **BGK TRADEMARK HOLDINGS, LLC'S RESPONSES AND OBJECTIONS TO BLUE IVY'S FIRST SET OF INTERROGATORIES** by electronic mail upon:

Ryan E. Hatch, Esq.
13323 W. Washington Blvd., Suite 100
Los Angeles, CA 90066
Tel: 310.435.6374
Fax: 312.693.5328
ryan@ryanehatch.com

Counsel for Opposer
Blue Ivy

/John M. Eastly/
John M. Eastly

EXHIBIT B

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

In the Matter of Trademark Application Serial No. 86/883,293: BLUE IVY
CARTER Published in the Official Gazette of January 10, 2017 in all designated
classes (International Classes 3, 6, 9, 10, 12, 16, 18, 20, 21, 24, 26, 28, 35, and 41).

BLUE IVY,

Opposer,

v.

BGK TRADEMARK HOLDINGS, LLC,

Applicant.

Opposition No. 91234467

**BGK TRADEMARK HOLDINGS, LLC'S RESPONSES AND OBJECTIONS TO BLUE
IVY'S SECOND SET OF INTERROGATORIES**

PROPOUNDING PARTY: **Blue Ivy**

RESPONDING PARTY: **BGK Trademark Holdings, LLC**

SET NUMBER: **Two (2)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, and 37 C.F.R. Section 2.120(d), Applicant BGK Trademark Holdings, LLC ("BGK" or "Applicant"), by and through its undersigned counsel, provide the following responses and objections (the "Responses") to Opposer Blue Ivy's ("Blue Ivy" or "Opposer") Second Set of Interrogatories (the "Interrogatories"):

PRELIMINARY STATEMENT

The following Responses are based upon the facts, documents, and information presently known and available to Applicant. Discovery, investigation, research, and analysis are ongoing in this case and may disclose the existence of additional facts, add meaning or interpretation to

known facts or documents, or lead to additions, variations, and/or changes to these Responses. Furthermore, these Responses were prepared on Applicant's good faith interpretation and understanding of the definitions in the Interrogatories, and are subject to correction for inadvertent errors or omissions, if any. Applicant reserves the right, but does not assume any obligation beyond the requirements of the Federal Rules, and the rules of the Trademark Trial and Appeal Board ("TTAB"), to amend or supplement the Responses set forth herein if presently existing, different, or additional information is subsequently discovered. A full or partial response to an Interrogatory is not a waiver by Applicant of its right to object to any other part of the Interrogatory or later supplement its Response to that Interrogatory.

The general and specific objections set forth below are intended to apply to all information produced or provided pursuant to the Responses. Furthermore, the Responses do not waive any objections by Applicant, in this or in any subsequent proceeding, on any grounds, including objections as to the competency, relevancy, materiality, privilege or admissibility of the Responses, or the subject matter thereof. It should not be inferred from the form or substance of any objection or Response herein that Applicant is in agreement with Opposer's characterization of the facts in any Request.

As Opposer is aware, Applicant has moved the Board to enter an alternate protective order to govern discovery in this proceeding. Applicant is unable to provide responses unless and until the governing protective order has been issued. Upon the Board's issuance of its ruling on Applicant's pending motion for a protective order, and execution of a protective order consistent with the Board's ruling, Applicant will supplement these Responses.

Subject to the foregoing, Applicant responds to the Interrogatories as follows:¹

¹ Unless otherwise stated, all defined terms used herein use the definitions assigned to them in Blue Ivy's second set of interrogatories to BGK.

GENERAL OBJECTIONS

Applicant asserts the following general objections (“General Objections”), which shall apply to the Interrogatories in their entirety and which shall be incorporated into each of Applicant’s Responses to the individual Interrogatories:

1. Applicant objects generally to the Interrogatories to the extent they seek information that is not relevant to the allegations set forth in Opposer’s May 10, 2017 Notice of Opposition (“Opposition”) nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects generally to the Interrogatories to the extent they seek the disclosure of information that is protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. Inadvertent disclosure of any information subject to any applicable privilege or doctrine, including, but not limited to, the attorney-client privilege and the work-product doctrine, is not intended to be, and shall not operate as, a waiver of any such privilege or doctrine, in whole or in part. Nor is any such inadvertent disclosure intended to be, nor shall it constitute, a waiver of the right to object to any use of such information.

3. Applicant objects generally to the Interrogatories to the extent they call for legal conclusions, or call for the disclosure of legal opinions and/or work product.

4. Applicant objects generally to the Interrogatories to the extent they seek discovery not currently in Applicant’s possession, custody, or control.

5. Applicant objects generally to the Interrogatories to the extent the burden or expense of the proposed discovery outweighs its likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii)

6. Applicant objects generally to the Interrogatories to the extent they seek information that is private, confidential, and/or proprietary, or constitutes trade secrets and/or

other similarly protected confidential information. Such information, to the extent it is not privileged or otherwise objectionable, will be provided in accordance with the protective order entered in this action.

7. Applicant objects generally to the Interrogatories to the extent they infringe any constitutional, statutory, or common law privacy interest of any individual or entity.

8. Applicant objects to Opposer's "Instructions" to the extent they purport to impose any requirement or discovery obligation other than or beyond those set forth in the applicable Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the TTAB Manual of Procedure. By objecting herein, Applicant does not waive its right to further object to any discovery on bases not specifically provided for by the Federal Rules of Civil Procedure or the TTAB Manual of Procedure.

9. Nothing in these Responses shall be construed to waive rights or objections that are otherwise available to Applicant, nor shall Applicants' response to any of these Interrogatories be deemed an admission of relevancy, materiality, or admissibility in evidence of the Interrogatory or of the Responses thereto.

SPECIFIC RESPONSES AND OBJECTIONS

INTERROGATORY NO. 21:

State all addresses where Ms. Knowles-Carter will reside in the month of September 2017.

RESPONSE TO INTERROGATORY NO. 21:

Applicant specifically objects to this Interrogatory as: (i) seeking private and irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; and (ii) designed to annoy and harass Applicant. Applicant further objects to this Interrogatory to the extent that it infringes any constitutional, statutory, or common law privacy interest.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 22:

State all addresses where Mr. Carter will reside in the month of September 2017.

RESPONSE TO INTERROGATORY NO. 22:

Applicant specifically objects to this Interrogatory as: (i) seeking private and irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; and (ii) designed to annoy and harass Applicant. Applicant further objects to this Interrogatory to the extent that it infringes on privacy rights of third parties.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 23:

State all addresses where Ms. Knowles-Carter will reside in the month of October 2017.

RESPONSE TO INTERROGATORY NO. 23:

Applicant specifically objects to this Interrogatory as: (i) seeking private and irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; and (ii) designed to annoy and harass Applicant. Applicant further objects to this Interrogatory to the

extent that it infringes any constitutional, statutory, or common law privacy interest.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

INTERROGATORY NO. 24:

State all addresses where Mr. Carter will reside in the month of October 2017.

RESPONSE TO INTERROGATORY NO. 24:

Applicant specifically objects to this Interrogatory as: (i) seeking private and irrelevant information not reasonably calculated to lead to the discovery of admissible evidence; and (ii) designed to annoy and harass Applicant. Applicant further objects to this Interrogatory to the extent that it infringes on privacy rights of third parties.

Applicant objects that this Interrogatory is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order

Dated: August 21, 2017

LATHAM & WATKINS LLP

/Marvin S. Putnam/

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Los Angeles, California 90067

Tel: (424) 653-5500

Fax: (424) 653-5501

Counsel for Applicant
BGK Trademark Holdings, LLC

CERTIFICATE OF SERVICE

I, John Eastly, hereby certify on August 21, 2017, that I served a true and correct copy of the foregoing **BGK TRADEMARK HOLDINGS, LLC' RESPONSES AND OBJECTIONS TO BLUE IVY'S SECOND SET OF INTERROGATORIES** by electronic mail upon:

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13323 W. Washington Blvd., Suite 100
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Fax: 312.693.5328
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*Counsel for Opposer
Blue Ivy*

/John M. Eastly/
John M. Eastly

EXHIBIT C

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

In the Matter of Trademark Application Serial No. 86/883,293: BLUE IVY
CARTER Published in the Official Gazette of January 10, 2017 in all designated
classes (International Classes 3, 6, 9, 10, 12, 16, 18, 20, 21, 24, 26, 28, 35, and 41).

BLUE IVY, <div style="text-align: center;">Opposer,</div> <div style="text-align: center;">v.</div> BGK TRADEMARK HOLDINGS, LLC, <div style="text-align: center;">Applicant.</div>		Opposition No. 91234467
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**BGK TRADEMARK HOLDINGS, LLC’S RESPONSES AND OBJECTIONS TO BLUE
IVY’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND
THINGS**

PROPOUNDING PARTY: **Blue Ivy**

RESPONDING PARTY: **BGK Trademark Holdings, LLC**

SET NUMBER: **One (1)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, and 37 C.F.R. Section 2.120(e), Applicant BGK Trademark Holdings, LLC (“BGK” or “Applicant”), by and through its undersigned counsel, provide the following responses and objections (the “Responses”) to Opposer Blue Ivy’s (“Blue Ivy” or “Opposer”) First Set of Requests for Production of Documents and Things (the “Requests”):

PRELIMINARY STATEMENT

The following Responses are based upon the facts, documents, and information presently known and available to Applicant. Discovery, investigation, research, and analysis are ongoing

in this case and may disclose the existence of additional facts, add meaning or interpretation to known facts or documents, or lead to additions, variations, and/or changes to these Responses. Furthermore, these Responses were prepared on Applicant's good faith interpretation and understanding of the definitions in the Requests, and are subject to correction for inadvertent errors or omissions, if any. Applicant reserves the right, but does not assume any obligation beyond the requirements of the Federal Rules, and the rules of the Trademark Trial and Appeal Board ("TTAB"), to amend or supplement the Responses set forth herein if presently existing, different, or additional information is subsequently discovered. A full or partial response to a Request is not a waiver by Applicant of its right to object to any other part of the Request.

The general and specific objections set forth below are intended to apply to all Documents produced or provided pursuant to the Responses. Furthermore, the Responses do not waive any objections by Applicant, in this or in any subsequent proceeding, on any grounds, including objections as to the competency, relevancy, materiality, privilege or admissibility of the Documents, or the subject matter thereof. It should not be inferred from the form or substance of any objection or response herein that Applicant is in agreement with Opposer's characterization of the facts in any Request.

As Opposer is aware, Applicant has moved the Board to enter an alternate protective order to govern discovery in this proceeding. Because Applicant's substantive responses to these Requests would contain confidential information, Applicant is unable to provide those responses unless and until the governing protective order has been issued. Upon the Board's issuance of its ruling on Applicant's pending motion for a protective order, and execution of a protective order consistent with the Board's ruling, Applicant will supplement these Responses.

Subject to the foregoing, Applicant responds to the Requests as follows:¹

GENERAL OBJECTIONS

Applicant asserts the following general objections (“General Objections”), which shall apply to the Requests in their entirety and which shall be incorporated into each of Applicant’s Responses to the individual Requests:

1. Applicant objects generally to the Requests to the extent they call for documents or information that are neither relevant to the allegations set forth in Opposer’s May 10, 2017 Notice of Opposition (“Opposition”) nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects generally to the Requests to the extent they seek the disclosure of information or documents that are protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. Any production pursuant to the Requests shall not include documents protected by such privileges. Inadvertent production of any such document is not intended to be, nor shall it be construed as, a waiver of any applicable privilege, protection, or immunity, in whole or in part. Nor is any such inadvertent disclosure intended to be, nor shall it constitute, a waiver of the right to object to any use of such information.

3. Applicant objects generally to Requests seeking “all documents” concerning the various topics described in the Requests as overbroad, unduly burdensome, and not reasonably tailored to the subject matter at issue in this action.

4. Applicant objects generally to the Requests to the extent they call for legal conclusions, or call for the disclosure of legal opinions and/or work product.

¹ Unless otherwise stated, all defined terms used herein use the definitions assigned to them in Blue Ivy’s requests for production of documents and things to BGK.

5. Applicant objects generally to the Requests to the extent they seek discovery not currently in Applicant's possession, custody, or control.

6. Applicant objects generally to the Requests to the extent the burden or expense of the proposed discovery outweighs its likely benefit. Fed. R. Civ. P. 26(b)(2)(C)(iii)

7. Applicant objects generally to the Requests to the extent that they seek information that is private, confidential, and/or proprietary, or constitutes trade secrets and/or other similarly protected confidential information. Such information, to the extent it is not privileged or otherwise objectionable, will be provided in accordance with the protective order entered in this action.

8. Applicant objects generally to the Requests to the extent that they infringe any constitutional, statutory, or common law privacy interest of any individual or entity.

9. Applicant objects to the Requests on the grounds that they are duplicative and unnecessary to the extent that they seek information or documents that are already in the possession, custody, or control of Opposer, equally available to Opposer, or obtainable from another source that is more convenient, less burdensome, less expensive, or publicly available.

10. Applicant objects to Opposer's "Instructions" to the extent they purport to impose any requirement or discovery obligation other than or beyond those set forth in the applicable Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the relevant TTAB Manual of Procedure. By objecting herein, Applicant does not waive its right to further object to any discovery on bases not specifically provided for by the Federal Rules of Civil Procedure or the TTAB Manual of Procedure.

11. Applicant objects generally to Opposer's use of the word "services" in the Requests as vague and ambiguous. Applicant interprets "services" to mean "services for which one may obtain a trademark through the USPTO."

12. Nothing in these Responses shall be construed to waive rights or objections that are otherwise available to Applicant, nor shall Applicants' Response to or production of Documents in response to any of these Requests be deemed an admission of relevancy, materiality, or admissibility in evidence of the Documents or of the Responses.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 1:

A representative sample of each tangible thing evidencing Your intent to use the mark BLUE IVY CARTER on goods or services in United States commerce, as of January 22, 2016.

RESPONSE TO REQUEST NO. 1:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase "intent to use" and (2) to the extent not imposing the legal definition of "intent to use" is vague and ambiguous. Applicant will construe "intent to use" to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects that "representative sample of each tangible thing" is vague and ambiguous. Applicant will construe "representative sample of each tangible thing" to mean "tangible things sufficient to show." Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide

supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 2:

All Documents and Communications evidencing Your intent to use the mark BLUE IVY CARTER on goods or services in United States commerce, as of January 22, 2016.

RESPONSE TO REQUEST NO. 2:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 3:

A representative sample of each tangible thing bearing the BLUE IVY CARTER mark in existence as of January 22, 2016.

RESPONSE TO REQUEST NO. 3:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine. Applicant further specifically objects that “representative sample of each tangible thing” is vague and ambiguous. Applicant will construe “representative sample of each tangible thing” to mean “tangible things sufficient to show.”

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 4:

A representative sample of each tangible thing that currently bears the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 4:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine. Applicant further specifically objects that “representative sample of each tangible thing” is vague and ambiguous. Applicant will construe “representative sample of each tangible thing” to mean “tangible things sufficient to show.”

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide

supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 5:

All Documents and Communications relating to the Vanity Fair Article.

RESPONSE TO REQUEST NO. 5:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control and (2) overbroad and unduly burdensome in that it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 6:

All Communications with Mr. Schwartz relating to the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 6:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine. Applicant further specifically objects that this Request is (1) overbroad and unduly burdensome and (2) seeks documents not within Applicant's possession, custody, or control, to the extent it seeks Communications between only third parties and Mr. Schwartz.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 7:

All Communications with Mr. Carter relating to the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 7:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine. Applicant further specifically objects that this Request is (1) overbroad and unduly burdensome and (2) seeks documents not within Applicant's possession, custody, or control, to the extent it seeks Communications between only third parties and Mr. Carter.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 8:

All Communications with Mr. Carter relating to Your intent to use the mark BLUE IVY CARTER on goods or services in United States commerce, as of January 22, 2016.

RESPONSE TO REQUEST NO. 8:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects that this Request is (3) overbroad and unduly burdensome and (4) seeks documents not within Applicant’s possession, custody, or control, to the extent it seeks Communications between only third parties and Mr. Carter. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 9:

All Documents and Communications relating to any actual use of the mark BLUE IVY CARTER on any goods or services in United States commerce, from January 22, 2016 to present.

RESPONSE TO REQUEST NO. 9:

Applicant specifically objects to this Request on the grounds that it is vague and ambiguous as to the term “actual use.” Applicant will construe “actual use” to mean any use of the BLUE IVY CARTER mark on presently existing products. Applicant specifically objects

that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 10:

All Documents and Communications evidencing any third party's intent to use the mark BLUE IVY CARTER in United States commerce, as of January 22, 2016.

RESPONSE TO REQUEST NO 10:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase "intent to use" and (2) to the extent not imposing the legal definition of "intent to use" is vague and ambiguous. Applicant will construe "intent to use" to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects to this Request as (3) seeking information not in Applicant's possession, custody, or control, and (4) overbroad and unduly burdensome, because facts concerning third parties' use of the BLUE IVY CARTER mark are not reasonably calculated to lead to the discovery of admissible evidence. Finally, Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to

substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 11:

All Documents and Communications relating to any revenues You have received from use of the BLUE IVY CARTER [*sic*] on any goods or services in United States commerce, from January 22, 2016 to present.

RESPONSE TO REQUEST NO. 11:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 12:

All Documents provided to Mr. Schwartz evidencing an intent to use the BLUE IVY CARTER mark in United States commerce as of January 22, 2016.

RESPONSE TO REQUEST NO. 12:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intent to use” and (2) to the extent not imposing the legal definition of “intent to use” is vague and ambiguous. Applicant will construe “intent to use” to mean all facts and

circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects to this Request as (3) seeking information not in Applicant's possession, custody, or control, and (4) overbroad and unduly burdensome.

Applicant specifically objects to "provided to" as vague and ambiguous and interprets it to mean "Provided by Applicant to." Finally, Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 13:

All Documents or Communications evidencing that to the best of Mr. Schwartz's knowledge, all statements in the Declaration he submitted in the 2016 Trademark Application were true.

RESPONSE TO REQUEST NO. 13:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control, and (2) calling for Applicant to speculate as to Mr. Schwartz's mental state. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 14:

All Documents relating to Mr. Schwartz's signed Declaration in the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 14:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control, and (2) overbroad and unduly burdensome. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 15:

All Communications on or before January 22, 2016 between You and GSO relating to the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 15:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 16:

All Communications between any third party and Mr. Schwartz relating to the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 16:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control, and (2) overbroad and unduly burdensome. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 17:

All Communications between any third party and GSO relating to the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 17:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control, and (2) overbroad and unduly burdensome. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 18:

All non-privileged Communications relating to the 2016 Trademark Application.

RESPONSE TO REQUEST NO. 18:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control, and (2) overbroad and unduly burdensome. Applicant further specifically objects that "non-privileged" is vague and ambiguous. Applicant construes "non-privileged" to mean "non-attorney-client privileged." Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 19:

All Documents and Communications showing that You are entitled to use the BLUE IVY CARTER mark in United States commerce.

RESPONSE TO REQUEST NO. 19:

Applicant specifically objects to this Request as vague and ambiguous as to the term “entitled to use.” Applicant will construe “entitled to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 20:

All Documents and Communications relating to any third party having the right to use the BLUE IVY CARTER mark in commerce either in the identical form or in any resemblance.

RESPONSE TO REQUEST NO. 20:

Applicant specifically objects to this Request as vague and ambiguous as to the terms “identical form” and “any resemblance.” Applicant will construe “identical form” and “any resemblance” to mean the BLUE IVY CARTER mark. Applicant further specifically objects to this Request as calling for a legal conclusion as to the term “right to use.” Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 21:

All Documents and Communications relating to any concurrent users of the BLUE IVY Mark.

RESPONSE TO REQUEST NO. 21:

Applicant specifically objects to this Request as (1) seeking information not in Applicant’s possession, custody, or control, and (2) overbroad and unduly burdensome to the extent that it seeks “[a]ll Documents and Communications” without any connection to Applicant or this action. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 22:

Documents sufficient to show Your corporate structure as an LLC or in any other form.

RESPONSE TO REQUEST NO. 22:

Applicant specifically objects to this Request as overbroad and unduly burdensome in that it seeks documents not reasonably calculated to lead to the discovery of admissible evidence. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 23:

Documents sufficient to show BGK's employee organization chart.

RESPONSE TO REQUEST NO. 23:

Applicant specifically objects to this Request as overbroad and unduly burdensome in that it seeks documents not reasonably calculated to lead to the discovery of admissible evidence.

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 24:

All Documents and Communications relating to Ms. Knowles-Carter's knowledge of Blue Ivy on or before February 1, 2012.

RESPONSE TO REQUEST NO. 24:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 25:

All Documents and Communications relating to Mr. Carter's knowledge of Blue Ivy on or before February 1, 2012.

RESPONSE TO REQUEST NO. 25:

Applicant specifically objects to this Request as (1) seeking information not in Applicant's possession, custody, or control, and (2) calling for Applicant to speculate as to Mr. Carter's mental state. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 26:

All Documents and Communications relating to Blue Ivy.

RESPONSE TO REQUEST NO. 26:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 27:

All Documents and Communications relating to the specific goods or services on which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 27:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 28:

Documents and Communications sufficient to show the marketing channels in which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 28:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean all facts and

circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects to this Request on the ground that it is vague and ambiguous as to the term “marketing channels.” Applicant will construe “marketing channels” to mean all documents related to use of the BLUE IVY CARTER mark in commerce. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 29:

Documents and Communications sufficient to show the advertising channels in which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 29:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects to this Request on the ground that it is vague and ambiguous as to the term “advertising channels.” Applicant will construe “advertising channels” to mean all documents related to use of the BLUE IVY CARTER mark in commerce. Applicant

specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 30:

Documents and Communications sufficient to show to [sic] the sophistication of potential buyers of the goods for which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 30:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects to this Request on the ground that it is vague and ambiguous as to the term “sophistication of potential buyers.” Applicant will construe “sophistication of potential buyers” to mean all documents and communications related to potential buyers of products using the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to

substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 31:

Documents and Communications sufficient to show the sophistication of potential users of the services for which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 31:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant further specifically objects to this Request on the ground that it is vague and ambiguous as to the term “sophistication of potential users.” Applicant will construe “sophistication of potential users” to mean all documents and communications related to potential users of products using the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 32:

Documents and Communications sufficient to show the cost of the goods or services for which You intend to use the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 32:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “intend to use” and (2) to the extent not imposing the legal definition of “intend to use” is vague and ambiguous. Applicant will construe “intend to use” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 33:

Documents and Communications sufficient to show the demographics of potential customers of goods or services bearing the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 33:

Applicant specifically objects to this Request on the ground that it is vague and ambiguous as to the term “demographics of potential customers.” Applicant will construe “demographics of potential customers” to mean all documents and communications related to

potential buyers of products using the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 34:

All Documents and Communications relating to the strength or weakness of the BLUE IVY mark.

RESPONSE TO REQUEST NO. 34:

Applicant specifically objects to this Request as calling for a legal conclusion. Applicant further objects to this Request as vague and ambiguous as to the terms “strength” and “weakness.” Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 35:

All Documents and Communications relating to Your affirmative defenses.

RESPONSE TO REQUEST NO. 35:

Applicant specifically objects to this Request as calling for a legal conclusion. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 36:

All Documents and Communications relating to BGK's "lack of knowledge and lack of willful intent" as alleged in Your Eighth Affirmative Defenses.

RESPONSE TO REQUEST NO. 36:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine. Applicant specifically objects to this Request in that it calls for a legal conclusion.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide

supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 37:

All trademark search clearances for the BLUE IVY CARTER mark.

RESPONSE TO REQUEST NO. 37:

Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 38:

All Communications with Celestine Knowles Lawson relating to Your bona fide intent to use trademarks on goods or services.

RESPONSE TO REQUEST NO. 38:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “bona fide intent” and (2) to the extent not imposing the legal definition of “bona fide intent” is vague and ambiguous. Applicant will construe “bona fide intent” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of

information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 39:

All Communications with Celestine Knowles Lawson relating to what it means to have a “bona fide intent” to use a trademark in commerce.

RESPONSE TO REQUEST NO. 39:

Applicant specifically objects that this Request (1) calls for a legal conclusion through use of the phrase “bona fide intent” and (2) to the extent not imposing the legal definition of “bona fide intent” is vague and ambiguous. Applicant will construe “bona fide intent” to mean all facts and circumstances related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 40:

All Communications with Celestine Knowles Lawson relating to the filing of trademark applications.

RESPONSE TO REQUEST NO. 40:

Applicant specifically objects to this Request as overbroad and unduly burdensome, because it requests information that has no relation to this proceeding and is not properly limited to the relevant time period. Applicant construes this Request to call only for Communications from January 2012 to the present related to the 2016 Trademark Application and use of the BLUE IVY CARTER mark. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 41:

All employment or other agreements with any persons who were authorized to act for or on behalf of BGK on or before January 22, 2016.

RESPONSE TO REQUEST NO. 41:

Applicant specifically objects to this Request on the ground that it is overbroad and unduly burdensome as it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, including without limitation materials outside the relevant

time period. Applicant thus construes this Request to call only for agreements with persons authorized to act on behalf of Applicant in connection with the 2016 Trademark Application from January 2012 to the present. Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 42:

All agreements with Mr. Schwartz relating to the provision of trademark services.

RESPONSE TO REQUEST NO. 42:

Applicant specifically objects to this Request on the ground that it is overbroad and unduly burdensome as it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, including without limitation materials outside the relevant time period. Applicant thus construes this Request to call only for agreements from January 2012 to the present. Applicant further objects that this request is vague and ambiguous as to the meaning of “provision of trademark services.” Applicant thus construes “provision of trademark services” to mean “2016 Trademark Application.” Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

REQUEST NO. 43:

All agreements with GSO relating to the provision of trademark services.

RESPONSE TO REQUEST NO. 43:

Applicant specifically objects to this Request on the ground that it is overbroad and unduly burdensome as it seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence, including without limitation materials outside the relevant time period. Applicant thus construes this Request to call only for agreements from January 2012 to the present. Applicant further objects that this request is vague and ambiguous as to the meaning of “provision of trademark services.” Applicant thus construes “provision of trademark services” to mean “2016 Trademark Application.” Applicant specifically objects that this Request seeks the disclosure of information or documents which are protected from discovery by the attorney-client privilege or the work-product doctrine.

Applicant objects that this Request is premature, due to the absence of an agreed-upon protective order to govern the exchange of confidential information. Applicant is unable to substantively respond unless and until such protective order is in place. Applicant will provide supplementary responses following the execution of an agreed (or Board-ordered) protective order.

Dated: August 21, 2017

LATHAM & WATKINS LLP

/Marvin S. Putnam/

Marvin S. Putnam

marvin.putnam@lw.com

Laura R. Washington

laura.washington@lw.com

10250 Constellation Blvd., Suite 1100

Los Angeles, California 90067

Tel: (424) 653-5500

Fax: (424) 653-5501

Counsel for Applicant

BGK Trademark Holdings, LLC

CERTIFICATE OF SERVICE

I, John Eastly, hereby certify on August 21, 2017, that I served a true and correct copy of the foregoing **BGK TRADEMARK HOLDINGS, LLC'S RESPONSES AND OBJECTIONS TO BLUE IVY'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** by electronic mail upon:

Ryan E. Hatch, Esq.
13323 W. Washington Blvd., Suite 100
Los Angeles, CA 90066
Tel: 310.435.6374
Fax: 312.693.5328
ryan@ryanehatch.com

*Counsel for Opposer
Blue Ivy*

/John M. Eastly/
John M. Eastly

EXHIBIT D

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

In the Matter of Trademark Application Serial No. 86/883,293: BLUE IVY
CARTER Published in the Official Gazette of January 10, 2017 in all designated
classes (International Classes 3, 6, 9, 10, 12, 16, 18, 20, 21, 24, 26, 28, 35, and 41).

BLUE IVY,

Opposer,

v.

BGK TRADEMARK HOLDINGS, LLC,

Applicant.

Opposition No. 91234467

**BGK TRADEMARK HOLDINGS, LLC’S OBJECTIONS TO BLUE IVY’S NOTICE OF
DEPOSITION OF BEYONCÉ GISELLE KNOWLES-CARTER**

Pursuant to Federal Rules of Civil Procedure 30, and 37 C.F.R. § 2.120(c), Applicant BGK Trademark Holdings, LLC (“BGK” or “Applicant”), by and through its undersigned counsel, responds and objects to Opposer Blue Ivy’s (“Blue Ivy” or “Opposer”) notice of deposition of Beyoncé Giselle Knowles-Carter (the “Notice”), served July 20, 2017:

OBJECTIONS

Applicant objects to Opposer’s Notice as improper and unduly burdensome. Opposer did not request availability of either counsel or the witness before serving the Notice, and neither undersigned counsel nor Beyoncé Giselle Knowles-Carter (“Mrs. Carter”) agreed to—or are available on—the date, location, or time of the Notice. The Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) is clear that “the parties should attempt to schedule depositions by agreement rather than have the deposing party unilaterally set a deposition date.” TBMP § 404.01.

In addition, Applicant's motion for entry of a protective order, which—if granted—will mandate confidentiality of the scheduling of Mrs. Carter's deposition is pending. The Notice is, thus, premature. *Cf.* TBMP § 521 (motion to quash deposition notice proper when "the taking of the deposition should be deferred until after determination of a certain motion pending before the Board"). Moreover, Opposer's refusal to assure Applicant that it will keep confidential—*i.e.*, not report to media outlets—the time, date, and location of Mrs. Carter's potential deposition constitutes harassment. For that reason, Applicant objects that the Notice has been made without a proper basis. *See id.*; *See Kellogg Co. v. New Generation Foods Inc.*, 6 U.S.P.Q.2d 2045, 2049 (T.T.A.B. 1988) (quashing deposition notice that amounted to harassment).

Based on the foregoing objections, Applicant will not produce Mrs. Carter for deposition on August 25, 2017.

Dated: August 21, 2017

LATHAM & WATKINS LLP

/Marvin S. Putnam/

Marvin S. Putnam

marvin.putnam@lw.com

Laura R. Washington

laura.washington@lw.com

10250 Constellation Blvd., Suite 1100

Los Angeles, California 90067

Tel: (424) 653-5500

Fax: (424) 653-5501

Counsel for Applicant

BGK Trademark Holdings, LLC

CERTIFICATE OF SERVICE

I, John Eastly, hereby certify on August 21, 2017, that I served a true and correct copy of the foregoing **BGK TRADEMARK HOLDINGS, LLC'S OBJECTIONS TO BLUE IVY'S NOTICE OF DEPOSITION OF BEYONCÉ GISELLE KNOWLES-CARTER** by electronic mail upon:

Ryan E. Hatch
13323 W. Washington Blvd., Suite 100
Los Angeles, CA 90066
Tel: 310.435.6374
Fax: 312.693.5328
ryan@ryanehatch.com

*Counsel for Opposer
Blue Ivy*

/John M. Eastly/
John M. Eastly

EXHIBIT E

DECLARATION OF JONATHAN TODD SCHWARTZ

I, Jonathan Todd Schwartz, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of twenty-one. I make this declaration based on my own personal knowledge and if called as a witness, I could and would testify competently to the matters set forth herein.
2. On or around Feb 2000, I joined GSO Management, LLC ("GSO") as a senior accountant and business manager. After a few years, I was promoted to partner. I left GSO on May 9, 2016.
3. I did not take any documents, emails, client files or other work-related materials with me when I left GSO. As such, I have no such materials in my possession, custody, or control.
4. In my role at GSO, I provided a wide range of services to individual and business clients. One such client was the artist Beyoncé Knowles-Carter, who became a client in or around 2013. I performed services for Ms. Knowles-Carter until I left GSO in May 2016. I understand that GSO partner Michael Oppenheim has performed business services for Ms. Knowles-Carter after I left.
5. Ms. Knowles-Carter formed an entity named BGK Trademark Holdings, LLC ("BGK"), through which she filed trademark applications. I served as the Executive Vice President of BGK and in that capacity handled business affairs accordingly. I often spoke with Ms. Knowles-Carter about my work for her and documents that I was to execute under power of attorney.
6. On June 21, 2017, I was served with a subpoena in the matter of *Blue Ivy v. BGK Trademark Holdings, LLC*, TTAB Opp. No. 91234467 (the "Subpoena"). A true and correct copy of the subpoena is attached hereto as Exhibit A.

7. The Subpoena requests production of "Documents" and "Communications" encompassing six categories, as listed on its Attachment 1.

8. There are no "Documents" or "Communications" (as those terms are defined in the Subpoena) in my possession, custody or control that are responsive to any of the requests set forth in Attachment 1 of the subpoena.

9. I received with the Subpoena Exhibit A, which I understand to be BGK's Trademark Application Serial Number 86883293 (the "BGK Trademark Application").

10. The BGK Trademark Application includes a "Declaration" dated January 19, 2016, which I signed. I would not have signed the Declaration without authorization. In this specific instance, I do not recall if the authorization came from Ms. Knowles-Carter or one of her representatives.

11. I do not recall any "Documents" (as that term is defined in the Subpoena) showing or relating to any intent to use the mark BLUE IVY CARTER on any goods and services, either before, on or after January 22, 2016.

12. Likewise, I do not recall any "Communications" (as that term is defined in the Subpoena, and encompassing oral and written communications) showing any intent to use the mark BLUE IVY CARTER on any goods and services, either before, on or after January 22, 2016.

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

Executed this day of June 25, 2017 at Westlake Village, CA

By:



Jonathan Todd Schwartz

EXHIBIT A

UNITED STATES DISTRICT COURT

for the
Central District of California

BLUE IVY

Plaintiff

v.

BGK TRADEMARK HOLDINGS, LLC

Defendant

Civil Action No. TTAB Opp. No. 91234467

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Jonathan Todd Schwartz

(Name of person to whom this subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Law Office of Ryan E. Hatch, PC
13323 Washington Blvd., Suite 100
Los Angeles, CA 90066

Date and Time:
06/30/2017 9:00 am

The deposition will be recorded by this method: Stenographic, and audio/videorecording.

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Attachment 1.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/21/2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Ryan E. Hatch
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff/Opposer
Blue Ivy, who issues or requests this subpoena, are:

Ryan E. Hatch, 13323 Washington Blvd., Suite 100, Los Angeles, CA 90066, ryan@ryane hatch.com, 310-279-5076.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. TTAB Opp. No. 91234467

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) **For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) **For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) **Command to Produce Materials or Permit Inspection.**

(A) **Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) **Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) **When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) **Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) **Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

1 **ATTACHMENT 1**

2 **DEFINITIONS**

- 3
- 4 1. “Application Date” means January 22, 2016.
- 5 2. “BGK” means BGK Trademark Holdings, LLC.
- 6 3. “BGK Trademark Application” means the Trademark Application
- 7 Serial Number 86883293 attached hereto as Exhibit A.
- 8 4. “Communication” and “Communications” includes any record of any
- 9 communication, including but not limited to electronic messages, email, attachments
- 10 to electronic messages, letters, written correspondence, written communication,
- 11 notes, and summaries of any telephonic or other verbal or non-verbal
- 12 communications.
- 13 5. “Document” and “Documents” includes all originals and copies,
- 14 duplicates, drafts, and recordings of any written, graphic, or otherwise recorded
- 15 matter, however produced, reproduced, or stored, including discussions,
- 16 conferences, conversations, negotiations, agreements, meetings, interviews,
- 17 telephone conversations, letters, correspondence, notes, telegrams, facsimiles, e-
- 18 mail, memoranda, documents, writings, and Communications (as defined herein).
- 19 6. “Knowles-Carter” means the individual person Beyonce Knowles-
- 20 Carter, who is the owner and member of the entity known as BGK Trademark
- 21 Holdings, LLC.

22 **DOCUMENTS**

- 23 1. All Documents and Communications relating to your responsibilities
- 24 and duties as Executive Vice President at BGK.
- 25 2. All Documents and Communications relating any intent to use the mark
- 26 BLUE IVY CARTER on any goods and services as of the Application Date.
- 27 3. All Communications with Knowles-Carter relating to an intent to use
- 28 the mark BLUE IVY CARTER on any goods and services.

1 4. All Documents and Communications relating to the BGK Trademark
2 Application.

3 5. All Documents and Communications relating to the Declaration
4 submitted with the BGK Trademark Application.

5 6. All Documents and Communications relating to BGK's bona fide
6 intention to use the BLUE IVY CARTER mark in commerce on or in connection
7 with the identified goods and services in the BGK Trademark Application,
8 comprising the goods and services identified under International Classes 003, 006,
9 009, 010, 012, 016, 018, 020, 021, 024, 026, 028, 035, and 041.

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EXHIBIT A

Trademark/Service Mark Application, Principal Register

Serial Number: 86883293

Filing Date: 01/22/2016

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86883293
MARK INFORMATION	
*MARK	BLUE IVY CARTER
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BLUE IVY CARTER
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	BGK Trademark Holdings, LLC
INTERNAL ADDRESS	c/o GSO Business Management, LLC
*STREET	15260 Ventura Blvd., Suite 2100
*CITY	Sherman Oaks
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	91403
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	Fragrances, cosmetics, skin care products, namely, non-medicated skin care preparations, non-medicated skin care creams and lotions, namely, body cream, hand cream, skin lotion, body lotions, skin moisturizers, skin emollient, skin cleansing creams, skin cleansing lotions, all for adults and infants; hair care products, namely, non-medicated hair care preparations, non-medicated hair gel, shampoo, conditioner, hair mousse, hair oils, hair pomades, hair spray.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	006

*IDENTIFICATION	Metal key chains and metal key rings.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	009
*IDENTIFICATION	DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; cases and covers for mobile phones and mobile digital electronic devices, namely, laptops, cell phones, radio pagers, mobile computers; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	010
*IDENTIFICATION	Baby teething rings.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	012
*IDENTIFICATION	Baby carriages, baby strollers.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	016
*IDENTIFICATION	Books in the field of music, motion pictures, musical performers; photographs; posters; baby books; stickers; print materials, namely, art prints, color prints, concert programs, calendars, pens, post cards; gift bags; paper flags; trading cards; paper baby bibs.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	018
*IDENTIFICATION	Bags, namely, tote bags, beach bags, handbags, diaper bags, baby carriers worn on the body, pouch baby carriers, luggage; small leather goods, namely, leather cases, leather bags and wallets, leather purses, leather billfolds, leather key chains, leather key cases.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	020
*IDENTIFICATION	Plastic key chains and plastic key rings; small leather goods, namely, leather picture frames, leather key fobs, and leather key holders; plastic flags; vinyl banners, baby bouncers, baby changing mats, baby changing tables, high chairs for babies, playpens for babies.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	021
*IDENTIFICATION	Mugs; beverage glassware; plastic water bottles sold empty; hair accessories, namely, hair combs; baby bathtubs; drinking cups for babies.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	024
	Banners of cloth, nylon; flags, namely, cloth flags, nylon flags; towels; baby

*IDENTIFICATION	bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets; baby blankets.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	026
*IDENTIFICATION	Hair accessories, namely, hair ties, hair scrunchies, barrettes, hair bands, hair bows, hair clips, hair pins, hair ribbons, ponytail holders; novelty button; hair accessories, namely, electric hair-curlers, other than hand implements.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	028
*IDENTIFICATION	Playing cards, balls, namely, basketballs, baseballs, footballs, kick balls, rubber balls, beach balls, golf balls, hand balls, tennis balls, racquet balls, soccer balls, sport balls; dolls, baby multiple activity toys, baby rattles, baby teething rings, baby swings.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	035
*IDENTIFICATION	Product merchandising; online retail store services featuring music, musical recordings, motion pictures, clothing and clothing accessories, novelty items; Entertainment marketing services, namely, marketing, promotion and advertising for recording and performing artists.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	041
*IDENTIFICATION	Entertainment services, namely, providing online video games, dance events by a recording artist, multimedia production services; Entertainment services in the nature of live musical performances; production of motion picture films, fan clubs.
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	The name "BLUE IVY CARTER" identifies a living individual whose consent is of record.
ATTORNEY INFORMATION	
NAME	Brad D. Rose, Esq.
ATTORNEY DOCKET NUMBER	20003.00007
FIRM NAME	Pryor Cashman LLP
STREET	7 Times Square
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10036-6569
PHONE	212 326 0875
FAX	212 798 6369
EMAIL ADDRESS	tle@pryorcashman.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Teresa Lee, Dyan Finguerra-DuCharme, Philippe Zylberg, and Muzamil Huq

CORRESPONDENCE INFORMATION	
NAME	Brad D. Rose, Esq.
FIRM NAME	Pryor Cashman LLP
STREET	7 Times Square
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10036-6569
PHONE	212 326 0875
FAX	212 798 6369
*EMAIL ADDRESS	tle@pryorcashman.com;tmdocketing@pryorcashman.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	14
FEE PER CLASS	275
*TOTAL FEE DUE	3850
*TOTAL FEE PAID	3850
SIGNATURE INFORMATION	
ORIGINAL PDF FILE	hw_389416710-101841125_ Jonathan_Schwartz_itu.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\868\832\86883293\xml1\RFA0003.JPG
SIGNATORY'S NAME	Jonathan Schwartz
SIGNATORY'S POSITION	Executive Vice President

Trademark/Service Mark Application, Principal Register

Serial Number: 86883293

Filing Date: 01/22/2016

To the Commissioner for Trademarks:

MARK: BLUE IVY CARTER (Standard Characters, see below)

The literal element of the mark consists of BLUE IVY CARTER.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, BGK Trademark Holdings, LLC, a limited liability company legally organized under the laws of Delaware, having an address of
c/o GSO Business Management, LLC
15260 Ventura Blvd., Suite 2100
Sherman Oaks, California 91403
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: Fragrances, cosmetics, skin care products, namely, non-medicated skin care preparations, non-medicated skin care creams and lotions, namely, body cream, hand cream, skin lotion, body lotions, skin moisturizers, skin emollient, skin cleansing creams, skin cleansing lotions, all for adults and infants; hair care products, namely, non-medicated hair care preparations, non-medicated hair gel, shampoo, conditioner, hair mousse, hair oils, hair pomades, hair spray.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 006: Metal key chains and metal key rings.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 009: DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; cases and covers for mobile phones and mobile digital electronic devices, namely, laptops, cell phones, radio pagers, mobile computers; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 010: Baby teething rings.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 012: Baby carriages, baby strollers.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 016: Books in the field of music, motion pictures, musical performers; photographs; posters; baby books; stickers; print materials, namely, art prints, color prints, concert programs, calendars, pens, post cards; gift bags; paper flags; trading cards; paper baby bibs.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 018: Bags, namely, tote bags, beach bags, handbags, diaper bags, baby carriers worn on the body, pouch baby carriers,

luggage; small leather goods, namely, leather cases, leather bags and wallets, leather purses, leather billfolds, leather key chains, leather key cases.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 020: Plastic key chains and plastic key rings; small leather goods, namely, leather picture frames, leather key fobs, and leather key holders; plastic flags; vinyl banners, baby bouncers, baby changing mats, baby changing tables, high chairs for babies, playpens for babies.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 021: Mugs; beverage glassware; plastic water bottles sold empty; hair accessories, namely, hair combs; baby bathtubs; drinking cups for babies.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 024: Banners of cloth, nylon; flags, namely, cloth flags, nylon flags; towels; baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets; baby blankets.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 026: Hair accessories, namely, hair ties, hair scrunchies, barrettes, hair bands, hair bows, hair clips, hair pins, hair ribbons, ponytail holders; novelty button; hair accessories, namely, electric hair-curlers, other than hand implements.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 028: Playing cards, balls, namely, basketballs, baseballs, footballs, kick balls, rubber balls, beach balls, golf balls, hand balls, tennis balls, racquet balls, soccer balls, sport balls; dolls, baby multiple activity toys, baby rattles, baby teething rings, baby swings.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 035: Product merchandising; online retail store services featuring music, musical recordings, motion pictures, clothing and clothing accessories, novelty items; Entertainment marketing services, namely, marketing, promotion and advertising for recording and performing artists.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 041: Entertainment services, namely, providing online video games, dance events by a recording artist, multimedia production services; Entertainment services in the nature of live musical performances; production of motion picture films, fan clubs.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Miscellaneous Statement

The name "BLUE IVY CARTER" identifies a living individual whose consent is of record.

The applicant's current Attorney Information:

Brad D. Rose, Esq. and Teresa Lee, Dyan Finguerra-DuCharme, Philippe Zylberg, and Muzamil Huq of Pryor Cashman LLP 7 Times Square

New York, New York 10036-6569

United States

212 326 0875(phone)

212 798 6369(fax)

tlee@pryorcashman.com (authorized)

The attorney docket/reference number is 20003.00007.

The applicant's current Correspondence Information:

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Pryor Cashman LLP

7 Times Square

New York, New York 10036-6569

212 326 0875(phone)

212 798 6369(fax)

tle@pryorcashman.com;tmdocketing@pryorcashman.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$3850 has been submitted with the application, representing payment for 14 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: Not Provided Date: Not Provided

Signatory's Name: Jonathan Schwartz

Signatory's Position: Executive Vice President

RAM Sale Number: 86883293

RAM Accounting Date: 01/25/2016

Serial Number: 86883293

Internet Transmission Date: Fri Jan 22 11:06:58 EST 2016

TEAS Stamp: USPTO/BAS-XX.XX.XXX.XX-20160122110658666

832-86883293-5509a227d6ebdce0fdcf76669d5

8929e1697b55d667c53459d7fcc98448e2cab8-D

A-430-20160122101841125826

BLUE IVY CARTER

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of Applicant; she believes Applicant to be the owner of the Mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), she believes Applicant to be entitled to use such Mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association, has the right to use the above-identified Mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods and services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

BGK TRADEMARK HOLDINGS, LLC

Dated: Jan 19, 2016

By: _____

~~Jonathan Schwartz~~
Executive Vice President