

TTAB

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May 31, 2006

Commissioner for Trademarks
Attention: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

**Re: Spark Networks plc v. JewishAmericanSingles.com
In the Matter of Trademark Application Serial No. 78460372
Opposition Number 91165925**

Dear Sir or Madam:

We are enclosing herein JewishAmericanSingles' Discovery Motion re: Sparks's purported supplemental answers to interrogatories, request for production and request to admit. We are also enclosing herein Proof of Service as we have mailed a hard copy of the Motion with exhibits to Spark's attorney on this date.

We have **not** enclosed close to 1000 pages which Spark dumped on us, but we do reference it in the Motion. It is non-responsive and in the interest of saving trees, postage, time and wear and tear on scanning equipment have left it out but include a description in the Motion. Please advise if you feel it necessary for us to send a copy.

Thank you very much for your consideration.

Very truly yours,


Matthew Schwartz

Enclosures
CC: Victor T. Fu, Esq.



06-05-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

PROOF OF SERVICE

STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

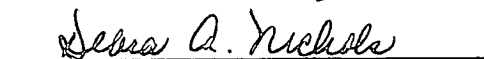
Matthew Schwartz, being duly sworn, deposes and says that on the 31st day of May, 2006, he did serve copies of Applicant's Motion to Compel Opposer Spark Networks to Forthwith Comply with Discovery Requests, Affidavit of Matthew Schwartz, Brief in Support of Motion, and attached exhibits upon:

Victor T. Fu, Esq.
Richardson & Patel LLP
10900 Wilshire Blvd., Suite 500
Los Angeles, CA 90024

by mailing same to said attorney in a sealed envelope, properly addressed, with postage prepaid thereon, and by depositing same in the United States Mail at Southfield, Michigan.


Matthew Schwartz

Subscribed and sworn to before me
this 31st day of May, 2006.



DEBRA A. NICHOLS
Notary Public, Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires December 31, 2007

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

In the matter of trademark application Serial No. 78460372
For the mark: "JewishAmericanSingles.com"
Filed on: August 2, 2004
Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

**APPLICANT'S MOTION TO COMPEL OPPOSER SPARK NETWORKS TO FORTHWITH
COMPLY WITH DISCOVERY REQUESTS AND AFFIDAVIT OF COMPLIANCE WITH
REQUIREMENT FOR CONVENING CONFERENCE TO DISCUSS OUTSTANDING
DISCOVERY REQUESTS AS THE SINE QUA NON FOR FILING OF MOTION**

NOW COMES Applicant, JewishAmericanSingles.com, Inc., and for its Motion, says:

1. That Applicant served the following discovery requests on or about the dates shown and pursuant to the court rules as reflected below:

- a. Interrogatories dated January 31, 2006 pursuant to Fed. R. Civ. P. 33 (Exhibit 1);
- b. Supplemental Interrogatories pursuant to Fed R. Civ. P. 33 served on February 1, 2006 (Exhibit 2) (Amended as per agreement with opposer's counsel and served on May 12, 2006 – answers to said amended interrogatories not as yet received and hence not a part of this motion);
- c. January 31, 2006 Request for Production pursuant to Fed. R. Civ. P. 34 (Exhibit 3);
- d. Request to Admit served on January 31, 2006 pursuant to Fed. R. Civ. P. 36 (Exhibit 4).

2. On or about March 6, 2006, and without a request for any extension, Spark Networks served the following responses, none of which were in compliance with the court rules:

- a. "Responses" and Objections to the initial Interrogatories consisting solely of objections, all of which were unwarranted, and a copy of said response is attached hereto (Exhibit 5);
- b. Response to Supplemental Interrogatory (Exhibit 6);
- c. "Responses and Objections to JewishAmericanSingles.com's Request for Production of Documents" which was in the form of an objection and furnished no indication that documents would be forthcoming (Exhibit 7);
- d. "Responses and Objections to" Request to Admit which again was merely boilerplate objections (Exhibit 8).

3. Spark's objections were overly broad and not in conformity with the court rules and further, the objected to discovery requests, in large measure, mirrored Spark's discovery requests to applicant. The objections appeared merely to be a manifestation of an attempt by Spark to avoid discovery. Consequently, applicant was placed in a position where it did contact Spark's attorney seeking concurrence in an order or voluntary compliance or alternatively some discussion relative to Spark's discovery responses. At that time, Spark's attorney had refused to acknowledge that Spark's discovery was not in accord with the applicable court rules.

4. That as a result of Spark's refusal, at that time, Applicant was required to file a motion and brief, a copy of which is attached hereto and labeled Exhibit 9, wherein Applicant cited numerous cases with regard to general objections which are designed for the purpose of delaying discovery. See, for example, those cases cited at pages 1 through 3 of the brief previously filed. However, it is not necessary to restate the obvious.

5. That this Honorable Court denied Applicant's motion without prejudice, and a copy of the Court's opinion and order is attached hereto and labeled Exhibit 10. Apparently the Court believed that Applicant had not complied with the threshold requirement of seeking a conference with the other side before filing a discovery motion. Notwithstanding the fact that the motion was denied without prejudice, the court did admonish Spark

Networks' counsel as to the requirements of good faith discovery responses and particularly objections to interrogatories which merely mirrored interrogatories that were previously submitted by the objecting party.

6. That the undersigned, in attempting to get a dialog open as per the Court's Order, wrote to Spark's attorney on April 5, 2006 in the hopes of resolving the discovery issues and if need be to set an agenda for the kind of meeting required by the Court. A copy of that e-mail is attached hereto along with Spark's attorney's response of April 14th acknowledging that a telephone conference had been scheduled between the parties. (Exhibits 11 and 12 respectively)

7. **The parties' conference and agreement.** That in fact the parties did confer at length, and as a result of that conference, it was agreed that Applicant would withdraw request to admit number 1 and that Spark would respond to all of the outstanding discovery by May 10th with responsive answers to those interrogatories. The only objection that was contemplated would be preserved was with regard to information that was sought as to JDate (although no objections to supplying information about JDate have been made in the amended answers to interrogatories served by opposer on or about May 10th). It was also agreed that the response to the request for production would be supplemented and the necessary documents called for made available on or before May 10th. That agreement was confirmed by the undersigned by an e-mail of April 27th, a copy of which is attached hereto and labeled Exhibit 13.

8. **Spark's continued failure to comply with court rule and with agreement.** That in fact the undersigned has now received Spark's promised amended responses and they neither comply with the court rules, this court's admonition in its earlier Opinion, nor the agreement between the parties as reflected in Exhibit 13. A copy of the amended responses to the answers to interrogatories are attached hereto and labeled Exhibit 14.

The amended responses to the request to admit are attached hereto and labeled Exhibit 15 and the amended responses to the request for production are attached hereto and labeled Exhibit 16.

9. That for the reasons shown in the attached Brief, opposer's responses do not comply with the court rules nor do they comply with this Court's prior admonitions and given the status of the proceedings, it is necessary that the undersigned seek the Court's intervention to compel opposer to comply with the court rules, furnish responsive answers to discovery requests in good faith and to do so completely and responsively within five (5) days, well in advance of trial in this matter.

WHEREFORE, for the reasons set forth in the attached Brief, JewishAmerican Singles does pray for the entry of an order:

1. Striking Spark's objections to interrogatories, deeming objections waived and compelling complete and responsive answers to all outstanding interrogatories within five (5) days from the date hereof;
2. Striking Spark's objections to the Request for Production and compelling Spark to furnish a complete response and to produce all documents called for at the premises of JewishAmericanSingles forthwith;
3. Striking Spark's objections to designated requests to admit and deeming those requests to admit to be in fact admitted.

Respectfully submitted,

JewishAmericanSingles.com, Inc.

By:


Matthew Schwartz

Dated: May 31, 2006

**AFFIDAVIT IN SUPPORT OF CONTENTION THAT MOVING
PARTY SOUGHT CONCURRENCE FROM OBJECTING PARTY
AND FURTHER IN FACT CONFERRED WITH OBJECTING PARTY
AND REACHED AN AGREEMENT WITH OBJECTING PARTY**


STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

Matthew Schwartz, being duly sworn, deposes and says that he has read the Motion by him subscribed and the facts contained therein are true to the best of Affiant's knowledge, and states:

1. Prior to filing his original Motion, he had attempted to resolve the discovery issues with Spark Networks' attorney but to no avail.
2. That subsequent to the denial, without prejudice, of Affiant's initial motion, Affiant engaged in correspondence with Spark's attorney (copies of which are attached as exhibits).
3. Affiant held a conference with Spark's attorney in an attempt to resolve discovery issues and did reach certain agreements.
4. That a letter confirming said agreement was sent to Spark's attorney, a copy of which is attached as an exhibit, and Spark's attorney at no time suggested that said confirming letter did not accord with the parties' agreement.
5. That Spark has now served supplemental discovery responses which are not in accord with the parties' agreement, the court rules nor this Court's prior admonitions.


Matthew Schwartz

Subscribed and sworn to before
me this 31st day of May, 2006.



DEBRA A. NICHOLS
Notary Public, Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires December 31, 2007

TABLE OF CONTENTS

TABLE OF CONTENTS	i
INDEX OF AUTHORITIES	ii
I. INTRODUCTION.....	1
II. DISCUSSION.....	2
A. THE INTERROGATORIES.....	2
B. SPARK'S PURPORTED RESPONSES TO REQUEST TO ADMIT	12
C. SPARK'S PURPORTED RESPONSES TO REQUEST FOR PRODUCTION	15
III. RELIEF REQUESTED	19

INDEX OF AUTHORITIES

Cases

<u>Burns v. Imagine Films Entertainment</u> , 164 FRD 589 (W.D. N.Y. 1996)	1
<u>Century 21 Real Estate Corp. v. Sandlin</u> , 846 F. 2d 1175 (9 th Cir. 1988)	8
<u>Chubb Integrated Sys. v. National Bank of Washington</u> , 103 FRD 52 (D. D.C. 1984)	2
<u>Davis v. Fendler</u> , 650 F. 2d 1154 (9 th Cir. 1981)	5
<u>Eureka Fin. Corp. v. Hartford Accident & Indemnity Co.</u> , 136 FRD 179 (E.D. Cal. 1991)	2, 16
<u>Frisch's Restaurant v. Elby's Big Boy, Inc.</u> , 670 F. 2d 642 (6 th Cir.), cert. denied 459 U.S. 916 (1982)	8
<u>Han v. Food & Nutrition Services</u> , 580 F. Supp. 1564 (D. N.J. 1984)	14
<u>Hoffman v. United Telecommunications, Inc.</u> , 117 FRD 436 (USDC D. Kan. 1987)	5
<u>IBP, Inc. v. Mercantile Bank of Topeka</u> , 179 FRD 316 (D. Kan. 1988)	14
<u>In re Sweeten</u> , 56 B.R. 675 (Bankr. E.D. Pa. 1986)	14
<u>Kansas-Nebraska Natural Gas Co. v. Marathon Oil Co.</u> , 109 FRD 12 (D. Neb. 1985)	2, 16
<u>Momah v. Albert Einstein Medical Center</u> , 164 FRD 412 (E.D. Pa. 1996)	1
<u>Obiajulu v. City of Rochester</u> , 166 FRD 293 (W.D. N.Y. 1996)	1
<u>Panara v. Hertz Penske Truck Leasing</u> , 122 FRD 14 (E.D. Pa. 1988)	12
<u>Peat, Marwick, Mitchell & Co. v. West</u> , 748 Fed. 2d 540 (10 th Cir. 1984)	2, 16
<u>Polaroid Corp. v. Polaroid Electronics Corp.</u> , 287 F. 2d 492 (2 nd Cir.), cert. denied 368 U.S. 820 (1961)	8
<u>Puerto Rico Aqueduct and Sewer Authority v. Clow Corp.</u> , 108 FRD 304 (USDC D. Puerto Rico 1985)	5
<u>Securities & Exchange Commission v. Elfindegan</u> , 206 FRD 574 (USDC M.D.N.C. 2002)	3, 4, 5

Statutes

Fed. R. Civ. P. 33(b)	2
Fed. R. Civ. P. 33(d)	3, 4
Fed. R. Civ. P. 36	12
Fed. R. Civ. P. 36(a)	14

Other Authorities

7 Moore's Federal Practice, 3d Ed., Chapter 34 at §34.13[2][a]	16
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BRIEF IN SUPPORT OF MOTION

I. INTRODUCTION

The facts are basically as set forth in the Motion. Notwithstanding the fact that we had met with Mr. Fu (by phone) and notwithstanding his agreement to responsively answer interrogatories (Exhibit 13) and respond to other discovery requests, we have only seen purported responses which neither comply with the agreement nor with the court rules. All that has changed is that Spark's counsel now has "dumped" (apparently a term of art used by some courts) approximately 1000 pages of documents which are either non-responsive or cast a burden on the undersigned to try to find where the answer might lie, if at all. Other than that, Spark's counsel repeats the same sweeping and generic objections and only selectively responds to the discovery requests.

II. DISCUSSION

A. THE INTERROGATORIES

i. THE APPLICABLE LAW: SPARK'S GENERAL SHOTGUN OBJECTIONS

Spark, in its "amended" answers to interrogatories, repeats its same "general objections". That general objection is incorporated into all of the "responses" and repeated, stating in a sweeping fashion, for example, that responding would be "burdensome", "violative of attorney-client privilege" or that the interrogatory is "irrelevant" and "overly broad". These kinds of sweeping objections are not appropriate. Generic objections are improper. See Obiajulu v. City of Rochester, 166 FRD 293, 295 (W.D. N.Y. 1996). These kinds of objections do not provide the specificity required by the court rule. See Burns v. Imagine Films Entertainment, 164 FRD 589, 593 (W.D. N.Y. 1996) (an objection stating the interrogatory is overly broad, vague and unduly burdensome was not sufficiently specific); Momah v. Albert Einstein Medical Center, 164 FRD 412, 412 (E.D. Pa. 1996) (mere recitation of familiar litany that interrogatory is "overly broad, burdensome, oppressive, and

irrelevant" will not suffice). Indeed, if counsel truly claims that supplying the requested information would cause a hardship, just the statement of that conclusion is not sufficient. See Chubb Integrated Sys. v. National Bank of Washington, 103 FRD 52, 59-60 (D. D.C. 1984), holding that an objecting party must submit affidavits or offer evidence that reveals the nature of the burden imposed by allegedly overly broad interrogatories.

Spark Networks continues to include in its objections the attorney-client privilege but forgets that Rule 26(B)(5) requires that when claiming a privilege, the privilege must be asserted expressly "and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection." If not made in the proper form, that objection is waived. Kansas-Nebraska Natural Gas Co. v. Marathon Oil Co., 109 FRD 12, 23-24 (D. Neb. 1985); Eureka Fin. Corp. v. Hartford Accident & Indemnity Co., 136 FRD 179, 182-185 (E.D. Cal. 1991); Peat, Marwick, Mitchell & Co. v. West, 748 Fed. 2d 540, 541-542 (10th Cir. 1984).

Clearly the applicable court rule [Fed. R. Civ. P. 33(b)] requires the objecting party (1) to state the reasons for the objection and answer the interrogatory to the extent it is not objectionable and if objecting (4) to state the objection **with specificity**. The rule states that any ground not stated in a timely objection is waived and the case law, above referred to, indicates that a generic and overly broad objection does not suffice as an objection.

ii. SPARK'S REFERENCES TO DOCUMENTS OUTSIDE THE RECORD

In addition to the boilerplate generic objections, a paragraph is added to the answers to interrogatories 4, 5, 6, 7, 10 and 12 which reads **subject to and without waiving the foregoing objections, responding party responds as follows: responding party shall provide documents containing the responsive information concurrently with this supplemental response**. Indeed, in lieu of answering the interrogatory, Spark has sent

approximately 1000 pages of documents without referencing where the answer to a specific interrogatory might be found.

It seems that Spark's strategy is based on a belief that **the best place to hide a blueberry is in a blueberry patch; however, when dealing with Spark it appears that even when you carefully go through the blueberry patch you will find that in fact even the patch contains no blueberries.** The bulk of the material includes numerous copies of home pages over an extended period of time basically extolling the virtues of AmericanSingles.com. Several pages of the documents relate to the registering of the service mark and the assignment of the trademark from MatchNet plc to Spark. We are given what appears to be a prospectus for the sale of stock or an SEC filing. None of the documents breaks out the specific information requested. We would challenge spark as to each interrogatory to advise us exactly where in the documents provided the responsive information may be found. Under separate cover we will be sending a copy of these documents to the court.

An answer to an interrogatory must be complete in itself; Spark cannot merely point to records outside of the answers to interrogatories to satisfy its obligation to specifically answer the interrogatories. This is an impermissible attempt at an end run around the restrictions imposed by Rule 33(d). See Securities & Exchange Commission v. Elfindopan, 206 FRD 574, 578 (USDC M.D.N.C. 2002)

Perhaps Spark's counsel intended, without suggesting, to employ Fed. R. Civ. P. 33(d) which gives the option to the interrogated party to produce business records where the answer may **"be derived or ascertained from the business records of the party upon whom the interrogatory has been served . . . and the burden of deriving or ascertaining the answer is substantially same for the party serving the interrogatory as to the party served ..."**. If Spark's relies upon Fed. R. Civ. P. 33(d), it should be made

aware that under that rule, the records are to be specified "in sufficient detail to permit the interrogating party to locate and to identify, as rightly as can the party served, the records from which the answer may be ascertained." That rule, assuming that Spark is relying on the same, is inapplicable and to the extent that it is, it has not been complied with. In Elfindepan, supra, the court spoke in terms of certain threshold requirements under Rule 33(d) commencing at 576:

The producing party must satisfy a number of factors in order to meet its justification burden. First it must show that a review of the documents will actually reveal answers to the interrogatories. (Citing authority) In other words, the producing party must show that the named documents contain all of the information requested by the interrogatories. (Citing case) Crucial to this inquiry is that the producing party have adequately and precisely specified for each interrogatory, the actual documents where information will be found. (Citing authority) Document dumps or vague references to documents do not suffice (citing cases). Depending on the number of documents and the number of interrogatories, indices may be required (citing case).

.... Not one specific document is identified for any specific interrogatory. This attempted use of Rule 33(d) is more in the nature of a document dump than a specification of documents. The action does not comply with the final sentence of Rule 33(d) which requires specificity. Nor has plaintiff shown the court that the documents, in fact, contain all of the information sought by the interrogatories, except by simply, flatly declaring such.

A second burden imposed on the producing party is to justify the actual shifting of the perusal burden from it to the requesting party. Rule 33(d) by its nature, of course contemplates shifting the burden, but its text also explicitly establishes the minimum threshold to be that "the burden of deriving or ascertaining the answer [must be] substantially the same for the party serving the interrogatory as for the party served" Fed. R. Civ. P. 33(d) Plaintiff has failed to show that it would be no more burdensome for defendants to go through voluminous documents to pull out answers than for plaintiff.

Spark has not pointed to portions of the documents that "reveal answers to the interrogatories" and has not provided indices. Nor has Spark even attempted to justify "the actual shifting of the perusal burden". The court in Elfindepan, supra, then went on to suggest that Rule 33(d) is totally inapplicable to interrogatories that deal with mixtures of

contention interrogatories and requests for statements of fact and concluded at 577 that with regard to contention interrogatories that a party's reliance on Rule 33(d) is misplaced.

Finally, the court in Elfindepan, supra, determined that the documents sought to be used were not in effect "business records". One would question whether or not a prospectus for stockholders or copies of home pages are in fact business records. It may be that some of the information contained in such a prospectus may be gleaned from business records but they are not in fact business records as they are not documents necessary for the conduct of the ordinary business. Indeed, documents filed with a governmental agency are not business records. So, for example, in Hoffman v. United Telecommunications, Inc., 117 FRD 436 (USDC D. Kan. 1987) documents submitted to the EEOC were not considered business records. See also, with regard to relying on records that must be filed with the corporation commission or the SEC, see Davis v. Fendler, 650 F. 2d 1154 (9th Cir. 1981).

In order for the rule to apply, the specificity requirement must be satisfied and the burdens with regard to reviewing the records and getting the information must be "substantially the same" for both parties. See Puerto Rico Aqueduct and Sewer Authority v. Clow Corp., 108 FRD 304 (USDC D. Puerto Rico 1985) at 306. Likewise if information can be found in the interrogated party's records but the burden of researching an answer is heavier on the party propounding the records, then the business records rule is inapplicable. Puerto Rico Aqueduct, supra, at 307, wherein the court goes on to explain while answering interrogatories often requires the interrogated party to refer to written documents, particularly where the party is a corporate entity, referring to a document in order to answer an interrogatory is not the kind of burden contemplated by the rule. The court went on to note that the nature of the business records and the familiarity of the interrogated party with its documents is to be considered as are the

economic factors (obviously Spark has its own people who created their records and who can cull out the necessary information without Applicant going to the additional expense). The decision in that case turned on the interrogated party's familiarity with its own business records and hence the interrogated party could not impose on the interrogated party a mass of records as to which research is *feasible* only for one familiar with the records. Consequently, interrogatories 4, 5, 6, 7, 10 and 12 have in fact not been answered and one cannot read those particular interrogatories along with the purported answers and find that in fact any responsive information has been given notwithstanding Spark's counsel's undertaking following our telephone conference.

iii. OPPOSER'S CONTINUED OBJECTIONS TO DISCOVERY REQUESTS THAT ARE IN FACT IDENTICAL OR VIRTUALLY IDENTICAL TO DISCOVERY REQUESTS THAT IT HAD PREVIOUSLY SUBMITTED TO APPLICANT

This court in its previous Opinion (Exhibit 10), apparently the law of this case, stated at footnote 3 that the opposer's discovery responses consisted entirely of objections and that many of those objections were with reference to interrogatories which basically mirrored the requests that had previously been made by opposer in its discovery requests directed to applicant. The undersigned, in his letter of April 5th (Exhibit 11) the language employed by the Court in its opinion and directed opposer's counsel to those interrogatories which had been objected to and which in fact mirrored opposer's interrogatories. We pointed out that basically applicant's interrogatories 4, 5, 6, 7, 10 and 12 essentially track opposer's interrogatories numbers 4, 5, 6, 7, 8 and 15. Apparently counsel takes no pride in his own authorship but still continues to make the same general objection to these very interrogatories merely adding inapplicable references to documents which do not answer the questions. For example, applicant's interrogatory number 10 asks for very specific information about opposer's electronic data and passwords, etc. This is an interrogatory identical to opposer's interrogatory number 15. Instead of answering, however, opposer

raises the same objections that it had previously made (which this Court suggested were improper under the circumstances) and attempts to avoid this Court's instructions by referencing numerous documents which are not a part of the answers to interrogatories and which in fact do not contain the information called for. Basically, the same is true with regard to interrogatories, 4, 5, 6, 7, and 12 submitted by applicant and opposer should be required to forthwith responsively answer the same.

iv. VARIOUS OBJECTIONS WHICH MAKE MANIFEST SPARK'S LACK OF GOOD FAITH IN RESPONDING

It should initially be noted that in framing interrogatories, the term **concerning** was employed and we are now told that that is an overly broad and ambiguous term. However, the term **concerning** was defined by Spark in their very interrogatories as meaning "**relating to, referring to, describing, evidencing or constituting**". In applicant's interrogatories, all of the definitions employed by Spark were incorporated and now apparently Spark does not understand the word it employed nor its definition. Because Spark does not understand what the word means as it defined the term it refuses to furnish us information as to any facts that are **evidence of or constitute** support for Spark's very allegations in their notice of opposition.

In Spark's notice of opposition, Spark alleged certain conclusions as to likelihood of confusion, number of its members and monies expended in support of identifying its chosen name with its product. Applicant sought, through interrogatories, to obtain Spark's evidence in support of those allegations by employing the term **concerning** as defined by Spark. Interrogatory number 8 submitted by applicant asked applicant to describe the **circumstances** (evidence, etc.) which related to "actual customer confusion" or "likelihood of confusion" stemming from **applicant's use of a mark incorporating the phrase "AmericanSingles"**. In response to that interrogatory, we are not told by Spark that they have no knowledge of "actual customer confusion" nor are we told of any facts that might

support their claim of "likelihood of confusion". Instead, we are treated to a lecture to the effect that the only issue is "likelihood of confusion" and hence no answer will be forthcoming with regard to knowledge of "actual confusion".

It had been this writer's understanding that the office of an answer to interrogatory is to obtain the facts and evidence which might be available to the opposing party. We are entitled to know what evidence opposer has in support of its conclusion relative to **likelihood of confusion** and one of the items of evidence which may be considered is whether in fact there has been **actual confusion**. See Polaroid Corp. v. Polaroid Electronics Corp., 287 F. 2d 492, 495 (2nd Cir.), cert. denied 368 U.S. 820 (1961); Century 21 Real Estate Corp. v. Sandlin, 846 F. 2d 1175, 1179 (9th Cir. 1988); Frisch's Restaurant v. Elby's Big Boy, Inc., 670 F. 2d 642 (6th Cir.), cert. denied 459 U.S. 916 (1982). We are entitled to know all of the facts that relate to actual customer confusion that is within the knowledge of opposer and which may be used at the time of trial. If opposer has no information as to actual customer confusion, they should merely so state rather than avoiding the question by in effect raising a relevancy objection.

Again, opposer's opposition in its allegations makes reference to the number of its members and the likelihood of their confusion. In interrogatory number 11, we specifically ask how many of their members are in fact Jewish and how many are American. In attempting to avoid answering, we are told that responding party (Spark) does not require its members to provide information concerning their religious affiliation or national origin and **several members do not voluntarily provide such information**. While we recognize that Mr. Fu, in signing the answers to interrogatories, may not have personal knowledge, in fact those people applying for membership in AmericanSingles must fill out an application (Exhibit 17) which calls for the aforereferenced information and one cannot log on without giving information as to nationality. Indeed, from the attachments to the aforereferenced

application (Exhibit 17), the person applying is given a number of choices but we can assure Mr. Fu that from our attempts, one cannot have an application accepted without listing one's nationality. Of course, religious affiliation is called for in the application but opposer is correct probably that "several members do not voluntarily provide such information". Apparently opposer wants to avoid answering the interrogatory merely because "several members" do not provide the information. The interrogatory could be answered based upon the information that is provided to them and suggest the percentage that in fact does not provide the information. This is a sensitive subject but whether or not it is admissible at trial is not the point. We know that AmericanSingles is not limited to Americans and the nationality of applicants is part of their application and notwithstanding counsel's protestations (we are not sure if he has actual knowledge) information as to nationality is absolutely required if one wants to become a member. If one does not fill in the nationality, the application is not completed and is not accepted.

We know that Spark has another trademark which markets to prospective Jewish membership, JDate. JDate and JewishAmericanSingles are not even close to causing confusion and notwithstanding the fact that the opposition as filed raises cause for concern as between applicant's proposed trademark and AmericanSingles, it is really JDate about which they are concerned. We are attaching hereto and labeling as Exhibit 18 cease and desist letter received from Spark Networks which indeed does reference AmericanSingles but it also references JDate and the Court will note that the demand in the next to the last paragraph is "... transfer the domain name, www.JewishAmericanSingles.com to us and redirect any and all users to our official website, www.JDate.com, until the transfer becomes effective."

Interrogatory number 14 asks for information relative to all trademarks held by and employed by opposing party and then asks for specific information with regard to the

prospective members or the profile of prospective members that are targeted and a profile (nationality, religion, race, age, mental status, etc.) of the membership in each group. There is an obvious relevancy in showing that opposer itself obtains different trademarks and creates different groups directed at specific narrow groups without cannibalizing AmericanSingles. While we are given the names of the various websites and the numbers of the trademarks, we are not given any of the other information. One can guess at what the answer should be but we should not have to guess.

Interrogatories number 17 and 18 again ask for information relative to opposing party's membership as well as the form of opposing party's application. In response, we get the usual collection of general objections with no support for the same and we are once again told that the information called for is not required of its members (the members are in fact asked for the information) and we are further told that "several members do not voluntarily provide such information". So, according to Spark's counsel, if two members out of a million decided not to give the information, that relieves the interrogated party of the obligation to supply any information according to Spark and its attorney.

Again, with reference to Interrogatories 1, 2 and 3, we receive the litany of objections, including the objection to "events and circumstances" and we have discussed the impropriety of that objection in that we are using a term as defined by Spark. If, of course, the only "events and circumstances" relative to the first three interrogatories are those included in the answers ("without waiving objections"), then if the objections are eliminated, we can assume safely that what was listed in the answers are in fact the only "events and circumstances" which opposer may be rely upon at the time of trial. However, with regard to interrogatory number 3, we are given the trademark registration numbers and apparently we are being asked to research those numbers rather than being furnished with

information as to exactly what it is each of the respective numbers refers to. This is not a proper answer.

iv. INFORMATION REQUESTED IN DISCOVERY RE: JDATE

Spark Networks, which owns the trademark AmericanSingles and the trademark JDate, has objected to any request for information in the interrogatories and other discovery requests which relate to JDate. In their supplemental responses, Spark has not specifically objected with regard to JDate but it has just not furnished any information with regard to JDate. It is true that the opposition only references confusion between JewishAmericanSingles and AmericanSingles. However, the only real competition between applicant and any of Spark Networks' trademarks is between applicant and JDate because both of them seek members who are single and Jewish although JDate does not limit itself to Americans.

Apparently recognizing that JDate and JewishAmericanSingles are names that would cause no confusion, one with the other, opposer in its opposition referred only to AmericanSingles but when it sent interrogatories, it raised the specter of JDate. However, in recognizing that opposer's real agenda has to do with JDate, opposer's interrogatory number 11 directed to applicant asks specifically about comments and inquiries, etc. from any person relating to **Spark Networks** or any of **Spark Networks' websites, including www.AmericanSingles.com or www.JDate.com**. As we pointed out previously, opposer's interest is with regard to JDate, as made manifest in their cease and desist letter (Exhibit 18). The cease and desist letter emphasized the competition for membership as between JDate and JewishAmericanSingles and requested a transfer of membership from JewishAmericanSingles to JDate. It may be that information as to JDate will not be admissible but that is not the test for relevancy during the course of discovery as is well

known by Spark Networks' very experienced counsel. However, information relative to JDate as requested in the various interrogatories either will be admissible or may lead to admissible evidence; the test of relevancy for the purpose of discovery as we are informed.

B. SPARK'S PURPORTED RESPONSES TO REQUEST TO ADMIT

The "responses" to the Request to Admit do not meet the requests in many cases but merely dance around the requests. Fed. R. Civ. P. 36 states that the matter which is the subject matter of a request to admit is **"admitted unless, within 30 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter"** The reasons for objections are to be stated and the answer requires a denial of the matter or set forth in detail the reason why the answering party cannot truthfully admit or deny the matter. The rule goes on to say **a denial shall fairly meet the substance of the requested admission**, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested the party shall specify so much of it as is true and qualify or deny the remainder. An ambiguous denial is insufficient. See Panara v. Hertz Penske Truck Leasing, 122 FRD 14, 17 (E.D. Pa. 1988) and we would think that a partial or ambiguous admission which is really not directed to the substance of the request should be stricken as well. So, for example, request for admission number 1 asks opposer to admit that AmericanSingles.com is marketed as a dating service and functions as a dating service. However, the response is not a denial but an admission that AmericanSingles provides "online personals services and advertises its provision of these services." The admission is as to a matter which was not requested to be admitted and since there is no response as to AmericanSingles being marketed as a "dating service" and functioning as a dating service, the response should be stricken and the matter deemed admitted.

Request for admission number 2 requests opposer to admit that the designation **AmericanSingles** describes the targeted membership and a profile of the members of AmericanSingles. That request was denied and opposer's reason for the denial was that AmericanSingles.com caters to singles of all races, ethnicities and interests. No request to admit was made with regard to "races" or "ethnicities" nor "interests" and we assume that the targeted membership may be both "American" and "single" regardless of their race or ethnicity. We are further told in the denial that AmericanSingles.com does not require its members to be residents of the United States. Of course, one can be an American without being a resident of the United States. This is more game playing and is non-responsive to the requests and said purported response should be stricken and the matter deemed admitted.

Response to request to admit number 5 shows just how disingenuous opposer has been with regard to responding to discovery requests. Request to admit number 5 asks opposer to admit that applicant's application for a trademark "was in connection with the applicant's logo; a stylized mark." We are told that responding party can neither admit nor deny the same because responding party has never reviewed the application and is without sufficient knowledge to admit or deny the request. This seems rather strange in view of the fact that notice of opposition states that opposing party "will be damaged by the registration of the mark shown in the above-identified application (Serial No. 78460372) and hereby opposes the same." In paragraph 4 of the opposition, opposer describes in detail what is contained as part of applicant's mark.

More importantly, and as will be applied to all of opposer's responses which deny knowledge, a request to admit is not necessarily limited to the personal knowledge of the person or entity upon whom the request has been made. In order to neither admit nor deny, one must set forth not only the reasons why one cannot admit or deny but must set forth the

fact that **reasonable inquiry** has been made in an attempt to respond to the request and that statement of reasonable inquiry is crucial. See Fed. R. Civ. P. 36(a) and In re Sweeten, 56 B.R. 675, 678 (Bankr. E.D. Pa. 1986). (Without showing reasonable inquiry was made, response inadequate.) See also Han v. Food & Nutrition Services, 580 F. Supp. 1564, 1566 (D. N.J. 1984) and IBP, Inc. v. Mercantile Bank of Topeka, 179 FRD 316, 318 (D. Kan. 1988).

The lack of a showing of reasonable inquiry with reference to request to admit number 6 also leads to the conclusion that that response should be stricken and the request deemed to be admitted. This is also compounded by the fact that applicant's interrogatory number 16 asked specifically as to any responses to the requests to admit which were neither admitted nor denied that opposer give a detailed description of the steps taken to ascertain the truth or falsity of the facts contained in the request to admit, etc. Notwithstanding the fact that opposer neither admits nor denies and claims lack of knowledge in response to a number of the requests to admit, we are merely told that the interrogatory is "not applicable". Not only was the interrogatory "applicable" but the responses to the request to admit are deficient.

Request to admit number 8 merely asked Spark to admit that it in fact had no information with regard to any non-Jewish individuals who applied for membership in JewishAmericianSingles.com because it had confused JewishAmericanSingles.com with AmericanSingles.com. They are asked to admit the state of their knowledge as to facts or lack thereof. We did not request that they admit that in fact people had been confused or as to any particular instance. We merely asked as to their knowledge. We are told that they deny the request (the inference then would be that they do in fact have knowledge given the wording of the request) because they don't have sufficient knowledge; they don't have knowledge, apparently, about their "knowledge" or lack thereof. It is difficult for this writer to

understand how they can lack knowledge of the existence or lack thereof of their own knowledge.

Similarly, request to admit number 9 merely requests Spark to admit that it has no knowledge of anyone applying for membership in JewishAmericanSingles.com who was deceived into doing so in the belief that he or she was applying for membership in AmericanSingles.com. Again we did not request any specific incidents and we did not ask Spark Networks to make any investigation. We merely ask them to admit that they have no present knowledge of such an incident and this would not take them interviewing all of their members as suggested in the response. We have not asked them to make an investigation; either they have such knowledge or they don't.

C. SPARK'S PURPORTED RESPONSES TO REQUEST FOR PRODUCTION

In large measure, Spark repeats the same boilerplate objections ("boilerplate" is a kinder term than "knee jerk") that it employed throughout its discovery responses and what we have said previously with regard to the same applies here.

Spark's supplemental response to request for production number 1, after stating its lengthy objection, states **subject to and without waiving the foregoing objections, responding party responds as follows: responding party shall produce non-privileged documents responsive to this request.** The same response is given with regard to request for production numbers 3, 4, 6, 7, 8, 9 [no response at all was made with regard to request number 10 nor was any objection made to the same], 12, 13 [no response was made nor any objections made to 14], 15 [no response is made to 16], 18, 19, 20, 21, 22 [no response was made to request for production 23], 24, 26, 27, 28, 29 and 30. The problem with this kind of a "response" is two-fold. First, there is an objection with regard to privilege and Spark offers to provide all non-privileged documents. However, a mere assertion of privilege is insufficient as in claiming a privilege, a party "shall describe the

nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected will enable other parties to assess the applicability of the privilege or protection." Fed. R. Civ. P. 26(b)(5). Even prior to that specific language in the court rule, it was held that a general objection as to privilege is not sufficient. See Eureka Fin. Corp. v. Hartford Accident & Indemnity Co., 136 FRD 179, 136 FRD 179, 183 (E.D. Cal. 1991). Failure to make a timely and proper privilege objection is tantamount to a waiver of the objection. See Peat, Marwick, Mitchell & Co. v. West, 748 F. 2d 540, 541-542 (10th Cir. 1984), cert. dismissed, 469 U.S. 1199 (1985), holding that blanket objection based on an attorney-client privilege and work product doctrine insufficient and affected a waiver of the privilege. See also Eureka Fin. supra, 182-185, and Kansas-Nebraska Natural Gas Co. v. Marathon Oil, 109 FRD 12, 23-24 (D. Neb. 1985), for the proposition that a failure to designate the documents withheld on basis of work product constitutes a waiver of objection.

Secondly, merely vaguely suggesting that at some unknown future time and at some unknown future place documents will be produced is insufficient. These requests have been in Spark's hands for a great deal of time and we still don't know anything about these documents that Spark has now agreed to produce. We do not mean to be cynical but a representation by Spark that they will produce records at some unknown time in the future and without description of the records (so we can test whether or not they have really complied with the request) has to be, given the history of discovery in this case, looked at with a jaundiced eye. If Spark wants to provide us with copies of the records which are responsive to the request, they should be required to do so forthwith, carefully keying the documents produced to the requests that have been made. According to 7 Moore's Federal Practice, 3d Ed., Chapter 34 at §34.13[2][a], there are only three appropriate responses to a request for production:

- (1) An objection to the scope, time, method, and manner of the requested production;**
- (2) An answer agreeing to the requested scope, time, place and manner of production; or**
- (3) A response offering a good faith, reasonable alternative production that is definite in scope, time, place or manner.**

Our original request for production was filed on January 31, 2006 and requested responses within 30 days. We are now just a little late, folks, and we still don't know what it is that is going to be produced nor do we know when and where. We would request that the Court order production of copies of all documents requested, indexed so that they are keyed to the requests and that the same be done within five (5) days from the date of the Court's ruling.

Returning, however, to the request for production, a similar response as to an offer to produce at some unknown time in the future, etc. was made with regard to certain requests for production but stating that those responses would be limited to information about AmericanSingles when in fact the request asked for information about JDate as well. That includes request for production number 5 and response thereto as well as request numbers 25 and 26. With regard to the vague representation that non-privileged documents will be produced in the future, we refer to our discussion above. However, with regard to the limiting of the response to documents relative to AmericanSingles and not responding to those documents requested with regard to JDate, we would refer the Court to our earlier argument as to why documents relating to JDate are relevant and could lead to admissible evidence. JDate is truly an unnamed and behind the scenes party to this proceeding, as it is their interest that opposer wishes to protect.

Further, with regard to those requests to which no answer was made (5, 25 and 26), those were requests that specifically were directed to documents relating to JDate. It is true that we agreed in our conference with Spark's counsel that he had the right to reserve his

objections as to information relative to JDate in his supplemental responses. However, no such objections were in fact made in their responses to these requests. It is not, however, our function to attempt to sandbag counsel merely because he did not specifically restate his objection. Spark's objection, however, had never been well taken and as we pointed out previously, information as to JDate is relevant; information as to JDate is certainly available to Spark as it is one of its trademarks and one of the businesses it operates.

With regard to request number 2, instead of responding to the request for writings made by opposing party or communicated in any manner to any party concerning applicant's trademark application . . . we are merely told "all non-privileged documents responsive to this request have previously been served on applicant, namely, letter dated March 15, 2005, and notice of opposition". It is difficult to believe that those are the only documents wherein JewishAmericanSingles' application for trademark were discussed or considered (there must have been some internal non-privileged documents but we suppose that credibility is not the point here). However, the mere fact that the requesting party may already have knowledge of the documents is no reason for not responding to the request nor is it appropriate to point to documents outside of the record.

The response to request for production number 11 is no response at all once again. One of the issues in this case will be specifically whether people applying for membership who happen to be Jewish, American and single are confused by the nomenclature employed by the parties on their websites. Whether or not AmericanSingles appeals to Jewish member and promotes Jewish members may be evidenced by the percentage of members that they have who are Jewish. Spark calls for that information on the application. True, it is not required of a proposed member to give that information, but to the extent it is given, it should be provided. The request does not ask anything with regard to applications wherein the religious preference was not disclosed; it merely asked for those applications

for membership "wherein the religious preference was noted by applicant as being Jewish." Once again Spark gives a response to a request that was not made and hence avoids making a response and producing appropriate documents. We have already offered in our conference to accept documents where the names of individuals are deleted. There is no reason for not providing this information.

III. RELIEF REQUESTED

Spark has exhibited a total lack of good faith in responding to discovery requests. We do not know if this is out of a need to hide something or a total disrespect for applicant and applicant's lack of legal education. This writer would have hoped that Spark would have been more forthcoming than it has been. However, the ultimate expression of a disregard for the letter and spirit of discovery requirements is the lack of respect that has been shown to this Court by Spark notwithstanding the fact that we assume that counsel is a member of the club of lawyers and patent attorneys. That disrespect for the Court is made manifest by counsel's total disregard of this Court's admonitions in its opinion (Exhibit 10) which reminded Spark at page 3 of its burden and that it had a duty to cooperate in the discovery process. Footnote 3 should also have been telling in its informing Spark that it is inappropriate for a party to object to a discovery request which is identical to a discovery request that had been propounded previously by the now objecting party.


As we pointed out in our letter to counsel (Exhibit 11), many of our interrogatories tracked Spark's discovery requests to us and we had thought that this Court's footnote number 3 addressed that problem. However, for example, Spark continues its general objection as to the mirror imaged interrogatories but does not respond to the interrogatory and merely states somehow it will provide documents containing that responsive information (which it has not done). So, for example (and it is only one example), Spark's interrogatory number 7 directed to applicant asked applicant to: identify any and all writings

that mention, discuss, evidence, refer to or relate to **applicant's** use of the phrase "JewishAmericanSingles" as one word or separately, including, but not limited to the sale or promotion of goods and services. Applicant's interrogatory number 7 is identical except that instead of referencing information about JewishAmericanSingles (as directed to us), we naturally sought the information as to "AmericanSingles" and "JDate". We know that Spark has elected not to answer as to JDate but it merely continues the same objections it employed previously and then claims it is contemporaneously furnishing us with documents that provide the answer. There are no such documents that have been furnished. The constant repetition of these objections to interrogatories which in fact mirror Spark's interrogatories and/or other discovery requests shows that Spark has not taken this Court's admonitions and the spirit of discovery to heart.

We would request that this Honorable Court grant specifically the relief as requested in our motion.

Respectfully submitted,

JewishAmericanSingles.com, Inc.

By: 
Matthew Schwartz

Dated: May 31, 2006

EXHIBIT

1

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com

FIRST SET OF INTERROGATORIES TO SPARK NETWORKS PLC

Now comes JewishAmericanSingles.com, and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure, submits the following Interrogatories to Spark Networks plc, to be answered in writing and under oath within 30 days.

The information sought must be given under oath, whether it is secured by you, your agent, your representative or attorney, or any other person who has made this information known to you or from whom you can get this information, and who is competent to testify to the facts stated.

These Interrogatories shall be deemed continuing in accordance with the Federal Rules of Civil Procedure and supplemental answers shall be required when further or different information is obtained from the time the answers are served until the time of trial.

DEFINITIONS

Terms employed in upper case print are to be given the same definition as the definitions employed in OPPOSING PARTY's discovery requests.

1. Describe the events and CIRCUMSTANCES surrounding Spark Networks plc's application for the trademark, "American Singles" and "JDate".

2. Describe the events and CIRCUMSTANCES surrounding Spark Networks' registration of the domain names AmericanSingles.com and JDate.com respectively.

3. Describe the events and CIRCUMSTANCES surrounding Spark Networks plc's incorporation, giving the name of the incorporators, the date of incorporation, the place of incorporation and its business purposes and identify further each and every trademark and domain name owned by OPPOSING PARTY.

4. Identify any and all sale of services or goods bearing the mark "American Singles" as one word or separately and "JDate" respectively for the calendar years 2002, 2003, 2004 and 2005.

5. Identify any income and revenues of OPPOSING PARTY arising from its sale of services, goods or products from AmericanSingles.com and JDate.com respectively for the calendar years 1999, 2000, 2001, 2002, 2003, 2004 and 2005 respectively.

6. Identify any and all WRITINGS (as defined by OPPOSING PARTY in its discovery requests) that mention, discuss, evidence, refer to or relate to OPPOSING PARTY's use of the phrase "American Singles" as one word or separately or "JDate", including but not limited to the sale or promotion of goods and services.

7. Identify any and all WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering of goods and services under the "American Singles" name (as one word or two) and the "JDate" name including but not limited to, marketing plans, advertising plans, strategic business plans, and market research.

8. Describe any and all events or CIRCUMSTANCES that relate to actual customer confusion or likelihood of confusion stemming from APPLICANT's use of a mark incorporating the phrase "AmericanSingles".

9. Does Opposing Party maintain any ELECTRONIC DATA CONCERNING the subject matter of the OPPOSITION on any COMPUTER and if so, state the name or names

of the databases in which the ELECTRONIC DATA is regularly stored on the COMPUTER(S)

10. If you answered "yes" to the last preceding interrogatory, then state the passwords used to obtain access to such ELECTRONIC DATA, the list of all ACTIVE FILES that contain INFORMATION CONCERNING the subject matter of the OPPOSITION, all ARCHIVAL FILES that contain information CONCERNING the subject matter of the OPPOSITION as well as all DELETED FILES that contain information CONCERNING the subject matter of the OPPOSITION, the location of all ELECTRONIC MEDIA which contains backup of the ELECTRONIC DATA stored on YOUR COMPUTER and IDENTIFY the person or persons primarily responsible for maintaining YOUR COMPUTER.

11. With reference to paragraph 1 of your Grounds for Opposition, kindly state how many of OPPOSITION PARTY's 8 million members are American and how many of those are Jewish and give the same information with regard to AmericanSingles.com.

12. With reference to paragraph 3 of your Grounds for Opposition, kindly describe your advertising and promotion of the website at AmericanSingles.com and/or your trade name, giving the nature of said advertising and promotion and the names of the newspapers or other media in which said advertising appeared and the dates thereof and attach a copy of said advertising copy to your answers to these interrogatories.

13. With regard to paragraph 3 of your Grounds for Opposition, kindly give each and every fact upon which you will rely in support of your contention that APPLICANT's mark is "likely to cause confusion, or to cause mistake, or to deceive". Further state the following:

- a. the names and addresses of all persons known to you, your agents or attorneys who have knowledge of said facts or claim to have such knowledge;

- b. and if in fact any testing by way of surveys or otherwise has been done by you or in your behalf, kindly describe the same in detail and attach a copy of said testing results to your answers to these interrogatories or set forth verbatim the result of said testing;
- c. If you have obtained any expert opinions in support of said allegation, the provide the following information:
 - i) the name and address of said expert.
 - ii) A complete list of said expert's credentials that qualify him to testify as an expert
 - iii) a description of all litigation in which said expert has testified in the past either by way of deposition or at trial
 - iv) said expert's opinions in this matter
 - v) the facts upon which said expert relies in support of said opinions
 - vi) a description of all literature upon which said expert relies as well as a description of all publications authored by said expert.

14. Kindly list each and every U.S. trademark applied for and/or employed by OPPOSING PARTY, and with reference to each:

- a. describe the prospective members or the profile of prospective members which is targeted
- b. give a profile of the membership in each group (i.e. nationality, religion, race, age, marital status, etc.)

15. With reference to the Request to Admit served contemporaneously herewith, if any of said requests are responded to with other than an unqualified admission, give each and every fact upon which you will rely in support of your denial or non-admission or all or a portion of said request and the names and addresses of all persons known to you, your agents or attorneys who have knowledge of said facts or who have opined with regard thereto.

16. With regard to the Request to Admit served contemporaneously herewith, if the same are neither admitted nor denied for lack of information or belief or otherwise, kindly give a detailed description of all steps taken by you, your agents or attorneys to ascertain the truth or falsity of the facts called for in said Request to Admit and the legal grounds relied upon for said failure to admit or deny.

17. Kindly state whether or not the application for membership in American Singles asks for the applicant's religion or religious preference and if so, then as to those who respond to the same, give the percentage of said applicants answering said question who indicate that they are Jewish or alternatively give the number of applicants who indicate that they are Jewish and the number of total applicants.

18. Kindly state whether or not the application for membership in American Singles asks for the applicant's nationality and/or country of residence and if so, then as to those who respond to the same, give the percentage of said applicants answering said question who indicate that their nationality is American or that they reside in the United States.

19. Kindly give the name and address of the officers, directors, members of OPPOSING PARTY and the names and addresses of all persons known to you, your agents or attorneys who have knowledge of any of the facts upon which you will rely in support of any of your contentions, their relationship to OPPOSING PARTY and if employed by OPPOSING PARTY, their job title and job duties and the subject matter of their anticipated testimony.

JewishAmericanSingles.com
By Matthew Schwartz

Dated: January ___, 2006

EXHIBIT

2

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372
For the mark: "JewishAmericanSingles.com"
Filed on: August 2, 2004
Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com

SUPPLEMENTAL INTERROGATORIES TO SPARK NETWORKS PLC

Now comes JewishAmericanSingles.com, and in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure, submits the following Interrogatories to Spark Networks plc, to be answered in writing and under oath within 30 days.

The information sought must be given under oath, whether it is secured by you, your agent, your representative or attorney, or any other person who has made this information known to you or from whom you can get this information, and who is competent to testify to the facts stated.

These Interrogatories shall be deemed continuing in accordance with the Federal Rules of Civil Procedure and supplemental answers shall be required when further or different information is obtained from the time the answers are served until the time of trial.

1. With reference to each of the websites referred to in Exhibit B of Applicant's initial interrogatories (a copy of said exhibit is attached hereto for your convenience), kindly state the following:

- a. As to each of said websites, kindly state whether Opposing Party was aware of the same and if so, the date upon which Opposing Party became aware;

- b. Whether or not Opposing Party has in effect done any business of any nature with said websites or the entities referred to therein;
- c. Whether or not you have participated in any litigation against the holders of said domain name including but not limited to opposing any claims for trademark; litigation relative to claimed trademark infringement, proceedings under the Lanham Act;
- d. Whether or not you have entered into any agreements with any of the holders of said domain names with reference to their continued use of the domain name and if so, the date of said agreement, the signatories to said agreement and the terms of said agreement;
- e. Whether or not you or anyone on your behalf has issued a cease and desist letter with reference to said websites and/or domain name holders;
- f. To the extent that you have not taken any action against the holders of these various domain names, kindly state as to each of them your respective reasons for not taking such action.

JewishAmericanSingles.com
By Matthew Schwartz

Dated: February 1, 2006

EXHIBIT

3

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372
For the mark: "JewishAmericanSingles.com"
Filed on: August 2, 2004
Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com

REQUEST FOR PRODUCTION OF DOCUMENTS

Now comes JewishAmericanSingles.com and in accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure submits the following Requests for Production of Documents to all Spark Networks plc to be answered and/or produced in writing and under oath within 30 days.

The information sought must be given under oath, whether it is secured by you, your agent, your representative or attorney, or any other person who has made this information known to you or from whom you can get this information, and who is competent to testify to the facts stated.

These Requests for Production of Documents shall be deemed continuing in accordance with the Federal Rules of Civil Procedure and supplemental responses shall be required if Defendant(s) obtains further or different information from the time the documents are served until the time of trial.

DEFINITIONS

Words employed by Applicant in this Request shall be afforded the same definitions as employed by Spark in their discovery requests.

1. All WRITINGS which were previously made by the OPPOSING PARTY and communicated in any manner to any party CONCERNING OPPOSING PARTY's trademark application for the mark AMERICAN SINGLES as one word or two words.

2. All WRITINGS which were previously made by OPPOSING PARTY and communicated in any manner to any party CONCERNING APPLICANT's trademark application which is the subject matter of OPPOSING PARTY's OPPOSITION.

3. All WRITINGS CONCERNING the registration of the domain name, www.AmericanSingles.com

4. All WRITINGS CONCERNING the incorporation of the entity Spark Networks plc and any of its predecessors.

5. All WRITINGS CONCERNING the registration of any dba certificates for American Singles and JDate.

6. All WRITINGS CONCERNING the allegations set forth in the OPPOSITION.

7. All WRITINGS CONCERNING the allegations set forth in the APPLICANT'S counterclaim.

8. All WRITINGS CONCERNING the allegations in OPPOSING PARTY's reply to said counterclaim.

9. All WRITINGS CONCERNING any and all sales of services, products or goods bearing the "American Singles" mark as a composite mark, as one word or separately.

10. All WRITINGS CONCERNING any and all sales of services, products or goods bearing the "JDate" mark as a composite mark, as one word or separately.

11. All applications for membership in American Singles wherein the religious preference was noted by the applicant as being Jewish.

12. All WRITINGS CONCERNING the income and revenues of OPPOSING PARTY arising out of the use of the name AmericanSingles.com Inc. and/or American Singles for the years 1999 to date.

13. All WRITINGS that mention, discuss, evidence, refer to or relate to OPPOSING PARTY's use of the phrase "American Singles" as one word or separately, including, but not limited to, the sale or promotion of goods and services.

14. All WRITINGS that mention, discuss, evidence, refer to or relate to OPPOSING PARTY's use of the phrase "JDate" as one word or separately, including, but not limited to, the sale or promotion of goods and services.

15. All WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering of goods and services under the "American Singles" name, including, but not limited to marketing plans, advertising plans, strategic business plans, and market research.

16. All WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering of goods and services under the "JDate" name, including, but not limited to marketing plans, advertising plans, strategic business plans, and market research.

17. All WRITINGS that mention, discuss, constitute, refer to, or relate to any research, reports, surveys or studies conducted by or on behalf of OPPOSING PARTY relating to consumer or customer perception of any mark that includes the phrase "American Singles" or "JewishAmericanSingles", including, but not limited to, search engine reports and key word statistics.

18. All WRITINGS that mention, discuss, refer to or relate to actual customer confusions or likelihood of confusion stemming from APPLICANT'S use of a mark "JewishAmericanSingles".

19. All WRITINGS that mention, discuss, refer to or relate to actual customer confusions or likelihood of confusion stemming from APPLICANT'S use of a mark "JewishAmericanSingles" including the logo which is the subject matter of APPLICANT'S trademark application.

20. All WRITINGS that mention, discuss, constitute, refer to or relate to any comments, inquiries, questions, correspondence, or statements from any person relating to "JewishAmericanSingles" and/or its logo including but not limited to "JewishAmericanSingles.com"

21. All WRITINGS that mention, discuss, evidence, refer to or relate to APPLICANT.

22. All WRITINGS that mention, discuss, evidence, refer to or relate to APPLICANT'S website.

23. All WRITINGS that mention, discuss, describe, refer to or relate to the circumstance whereby OPPOSING PARTY chose to apply for the mark "JDate".

24. All WRITINGS that mention, discuss, describe, refer to or relate to the circumstance whereby OPPOSING PARTY chose to apply for the mark "American Singles".

25. All WRITINGS that mention, discuss, describe, refer to or relate to the circumstances whereby OPPOSING PARTY chose to establish the website for American Singles and/or JDate and any other website or domain name claimed by OPPOSING PARTY wherein the term singles is employed.

26. All ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on APPLICANT'S COMPUTER or NETWORK concerning the marks "JDate" and/or "American Singles".

27. All ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on OPPOSING PARTY'S COMPUTER or NETWORK concerning APPLICANT.

28. All ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on OPPOSING PARTY'S COMPUTER or NETWORK concerning APPLICANT'S website.

29. All ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on YOUR COMPUTER or NETWORK concerning the matters stated in the Opposition, the Response thereto, the Counterclaim and the Reply thereto.

30. Any and all WRITINGS of any nature requested to be attached to your answers to interrogatories served contemporaneously herewith.

JewishAmericanSingles.com
By Matthew Schwartz

Dated: January ____, 2006

EXHIBIT

4

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372
For the mark: "JewishAmericanSingles.com"
Filed on: August 2, 2004
Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com

REQUEST TO ADMIT

Now comes JewishAmericanSingles.com and in accordance with Rules 26 and 36 of the Federal Rules of Civil Procedure submits the following Requests to Admit to Spark Networks plc to be answered in writing and under oath within 30 days.

The information sought must be given under oath, whether it is secured by you, your agent, your representative or attorney, or any other person who has made this information known to you or from whom you can get this information, and who is competent to testify to the facts stated.

1. Kindly admit that you market AMERICAN SINGLES and/or AmericanSingles.com as a dating service and that the subject matter website in fact is designed to function as a dating service.

2. That the term or designation AMERICAN SINGLES describes the targeted membership and a profile of the members of AMERICAN SINGLES.

3. That advertising and promotion for AMERICAN SINGLES is not limited to or directed specifically to single Jewish American individuals.

4. That Spark's trademark upon which Spark relies and refers to in its Grounds for Opposition is in fact two words notwithstanding your pleadings as signed by counsel.

5. That APPLICANT's application for a trademark was in connection with the APPLICANT's logo; a stylized mark.

6. That attached hereto and made a part hereof as Exhibit A is a true copy of the information produced by the TARR system on January 28, 2006 and that the information contained therein is an accurate reflection and summary of the records referred to therein.

7. That in fact a large number of domain names containing the words "American Singles" have been applied for and granted including those names contained on the attached list labeled Exhibit B.

8. Kindly admit that Spark has no information with regard to any non-Jewish individuals who have applied for membership in JewishAmericanSingles.com but had confused JewishAmericanSingles.com with AmericanSingles.com.

9. Kindly admit that Spark has no knowledge of anyone applying for membership in JewishAmericanSingles.com who was deceived into so doing in the belief that he or she was applying for membership in AmericanSingles.com.

JewishAmericanSingles.com
By Matthew Schwartz

Dated: January ____, 2006

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-01-28 12:06:10 ET

Serial Number: 78460372

Registration Number: (NOT AVAILABLE)

Mark



JewishAmericanSingles
.com

(words only): JEWISHAMERICANSINGLES.COM

Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2005-07-19

Filing Date: 2004-08-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 104

Attorney Assigned:
WILKE JOHN Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-05-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JewishAmericanSingles.com

Address:

JewishAmericanSingles.com

P.O. Box 279

Birmingham, MI 480120279

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Michigan

Phone Number: 248-594-4068

Fax Number: 248-594-4068

GOODS AND/OR SERVICES

International Class: 045
On line dating and social networking services
First Use Date: 2004-07-01
First Use in Commerce Date: 2004-07-01

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "JEWISHAMERICANSINGLES.COM"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-07-19 - Opposition instituted for Proceeding
2005-07-19 - Opposition papers filed
2005-07-05 - Published for opposition
2005-06-15 - Notice of publication
2005-03-23 - Law Office Publication Review Completed
2005-03-18 - Assigned To LIE
2005-03-15 - Amendment From Applicant Entered
2005-03-15 - Unresponsive/Duplicate Paper Received
2005-03-15 - Approved for Pub - Principal Register (Initial exam)
2005-03-15 - Examiners amendment e-mailed
2005-03-15 - Examiners Amendment -Written
2005-03-07 - Case file assigned to examining attorney
2004-08-11 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent
JEWISHAMERICANSINGLES.COM

POST OFFICE BOX 279

BIRMINGHAM, MI 48012-0279

Phone Number: 248-594-4068

Fax Number: 248-594-4068

EXHIBIT B



- [Whois Source](#)
- [Mark Alert](#)
- [Internet Statistics](#)
- [Domain News](#)
- [Whois Directory](#)
- [Webmaster Information](#)
- [XML API Partners](#)
- [Registry Partners](#)
- [Newsletter](#)
- [About us](#)

[Reverse IP](#) - [Bulk Check](#) - [Preferences](#) - [Remote Search](#) - [Shopping Cart](#) - [Login](#)

[Name Spinner](#) [Domain Explorer](#) [At Auction](#) [For Sale \(new\)](#)

Search Name Spinner: [Search](#)

Search Domain Explorer: [Search](#) [advanced preferences](#)

Block:	<input type="checkbox"/> numbers	Adult Filter:	<input type="checkbox"/> on	<input type="checkbox"/> off
Hyphens:	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Show both	
Options:	<input type="checkbox"/> Left Anchor	<input type="checkbox"/> Right Anchor	<input type="checkbox"/> Ordered	
Search:	<input type="checkbox"/> Active only	<input type="checkbox"/> Deleted only	<input type="checkbox"/> Both	
Options:	Results: 500	Domain Length: 50		

Search At Auction: [Search](#) [advanced preferences](#)

Search For Sale: (new) [Search](#)

Query: american singles

Search took 0.041422 seconds.

\$6.95 for 1americansingles49.net

Shopping Cart

Domain	.com	.net	.org	.info	.biz	.us
0 americansingles	X	X	X	X	X	X
1 1-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 12americansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 1americansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 1americansingles13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
5 1americansingles16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
6 1americansingles49	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
7 1americansingles53	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
8 1st-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 1st-in-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 2americansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 4-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 4americansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Symbol Key	help
X	Registered and Active Website
X	Registered and Parked or Redirected
X	Registered and No website
X	On-Hold (Generic)
X	On-Hold (Redemption Period)
X	On-Hold (Pending Delete)
<input type="checkbox"/>	Deleted and Available again
<input type="checkbox"/>	Never registered before

13	aamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	aamericansinglesa	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	aamericansingless	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	adultamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	african-american-singles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
18	african-americansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	africanamerican-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	africanamericansingles	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	africanamericansinglesads	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	africanamericansinglesbook	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	africanamericansinglesmeet	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	africanamericansinglespodcast	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	africanamericansinglespodcastnetwork	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	afroamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	afroamericansinglesconnect	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	all-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
29	all-americansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	allamericansingles	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	american---singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	american--singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
33	american-singles	X	X	X	X	X	X
34	american-singles-4u	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	american-singles-center	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	american-singles-dates	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	american-singles-dating	X	X	<input type="checkbox"/>	X	<input type="checkbox"/>	X
38	american-singles-finder	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39	american-singles-free-personals	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40	american-singles-free-trial	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41	american-singles-guide	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42	american-singles-hub	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43	american-singles-online	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44	american-singles-search	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45	american-singles-senior	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46	american-singles-sex-club	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
47	american-singlesonline	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48	american-woman-singles-life-dating-advice	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
49	americanadultsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50	americanandcanadiansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51	americanarabsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
52	americanasainsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53	americanasiansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DomainSponsor.com
Get paid to Park your domains,
Fastest Payout in the industry.
www.domainsponsor.com

Spry VPS Hosting
cPanel/Plesk | 100% Root | Pick OS
Unlimited Domains from \$33.29/mo
www.spry.com

Simply the best Whois
Whois Source respects privacy.
We protect your email address.
www.whois.sc



Domains
For Sale
by Name Intelligence

Marketplace	Price
FreeAmericanSingles.com	\$199.00
DatingAmericanSingles.com	\$800.00
AmericanSinglesLogin.com	\$450.00
FreeAmericanSingles.net	\$199.00

54	americanasingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55	americanbestsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56	americanblacksingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
57	americanbsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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62	americandatingsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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65	americanelitesingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66	americanesingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67	americanfitsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68	americangaysingles	X	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
69	americanhotsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
70	americanindiansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
71	americanjewishsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
72	americanlesbiansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73	americanmilitarysingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
74	americanmsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75	americannsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76	americanonlinesingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
77	americanosingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
78	americans-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
79	americansexysingles	X	X	X	X	X	<input type="checkbox"/>
80	americansingles	X	X	X	X	X	X
81	americansingles-clients	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
82	americansingles-usa	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
83	americansingles4u	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
84	americansingles4unow	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
85	americansinglesads	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
86	americansinglescene	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
87	americansingleschat	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
88	americansinglesclub	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
89	americansinglescom	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
90	americansinglesconnection	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
91	americansinglescruises	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
92	americansinglesdate	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
93	americansinglesdating	X	X	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
94	americansinglesdatingservice	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | | | |
|-----------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 95 americansinglesfree | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 96 americansinglesgalore | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 97 americansinglesgolf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 98 americansinglesgolfassociation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 99 americansinglesinc | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 100 americansinglesl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Shopping Cart

Pages:

1 2 3 >>

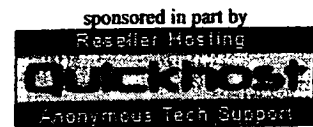
Total Pages: 3
Total Results:203

SERVICE OF
Tal nameintelligence

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[Holiday](#)
[Members](#) | [Silver Membership](#) | [Domain News](#) | [Web Hosting](#) | [Whois Privacy](#) | [Site](#)
[Map](#)

Similar: [eNom's Domain](#)
Name

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2006
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Patents Pending.



Whois Source | Mark Alert | Internet Statistics | Domain News | Whois Directory | Webmaster Information | XML API Partners | Registry Partners | Newsletter | About us

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[Name Spinner](#) [Domain Explorer](#) [At Auction](#) [For Sale](#) (new)

Search Name Spinner: american singles

Search

Search Domain Explorer: american singles

Search [• advanced](#)
[• preferences](#)

Block:	<input type="checkbox"/> numbers	Adult Filter:	<input type="checkbox"/> on	<input type="checkbox"/> off
Hyphens:	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Show both	
Options:	<input type="checkbox"/> Left Anchor	<input type="checkbox"/> Right Anchor	<input type="checkbox"/> Ordered	
Search:	<input type="checkbox"/> Active only	<input type="checkbox"/> Deleted only	<input type="checkbox"/> Both	
Options:	Results: 100	Domain Length:	50	

Search At Auction: american singles

Search [• advanced](#)
[• preferences](#)

Search For Sale: (new) american singles

Search

Query: american singles

Search took 0.041383 seconds.

\$6.95 for asianamericansinglesclut

Shopping Cart

Domain	.com	.net	.org	.info	.biz	.us
0 americansingles	X	X	X	X	X	X
1 americansingleslist	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 americansingleslive	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 americansingleslogin	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 americansingleslove	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 americansinglesmatch	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 americansinglesmatchmaker	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 americansinglesmeet	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 americansinglesmessenger	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 americansinglesmobile	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 americansinglesnet	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 americansinglesnetwork	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 americansinglesny	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Symbol	Key	help
X	Registered and Active Website	
X	Registered and Parked or Redirected	
X	Registered and No website	
X	On-Hold (Generic)	
X	On-Hold (Redemption Period)	
X	On-Hold (Pending Delete)	
<input type="checkbox"/>	Deleted and Available again	
<input type="checkbox"/>	Never registered before	

13	americansinglesonline	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	americansinglespeed	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	americansinglespersonals	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	americansinglesportal	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	americansingless	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	americansinglesscene	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	americansinglessearch	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	americansinglesspot	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	americansinglestravel	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	americansinglesupdate	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	americansinglesvote	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	americansinglesvoyager	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	americansinglesw	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	americansingleszone	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	americanspiritsingles	X	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>
28	americanspiritualsingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	americanssingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	arabamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	asianamericansingles	X	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	asianamericansinglesclub	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	asianamericansinglesweb	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	bestamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
35	black-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	blackamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	catholicamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38	centralamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39	chatamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40	christianamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41	com-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42	comamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43	dateamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44	dating-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45	dating-services-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46	datingamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47	e-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48	eamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
49	find-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50	findamericansingles	X	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
51	freericansingles	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
52	funamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
53	gayamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DomainSponsor.com
 Get paid to Park your domains,
 Fastest Payout in the industry.
www.domainsponsor.com

Spry VPS Hosting
 cPanel/Plesk | 100% Root | Pick OS
 Unlimited Domains from \$33.29/mo
www.spry.com

Simply the best Whois
 Whois Source respects privacy.
 We protect your email address.
www.whois.sc



Domains
For Sale
 by Name Intelligence

Marketplace	Price
FreeAmericanSingles.com	\$199.00
DatingAmericanSingles.com	\$800.00
AmericanSinglesLogin.com	\$450.00
FreeAmericanSingles.net	\$199.00

54	great-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
55	greatamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
56	greekamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
57	hornyamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
58	hotamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
59	i-american-singles	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60	italianamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
61	jewishamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
62	jordanianmenlookingforamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
63	justamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64	koreanamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
65	latinamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66	matchamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
67	my-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68	myamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
69	native-american-singles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
70	nativeamericansingles	X	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
71	naughtyamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
72	northamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73	northamericansinglesalliance	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
74	onlineamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
75	outbackamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76	premieramericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
77	rosemarysafricanamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
78	royalamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
79	samericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
80	sexy-american-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
81	sexynorthamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
82	singles-american	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
83	singlesamerican	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
84	singlesamericans	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
85	sky-american-singles-1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
86	smsamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
87	smsamericansinglestv	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
88	southamerican-singles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
89	southamericansingles	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
90	southamericansinglesonline	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
91	spiritamericansingles	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
92	spiritualamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
93	teamamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
94	teenamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 95 the-american-singles
- 96 the-best-american-singles
- 97 theamerican-singles
- 98 theamericansingles
- 99 thebestamericansingles
- 100 top-american-singles

Shopping Cart

Pages:

<< 1 2 3 >>

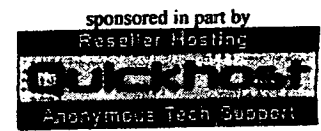
Total Pages: 3
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[Name Spinner](#) [Domain Explorer](#) [At Auction](#) [For Sale](#) (new)

Search Name Spinner: american singles

Search

Search Domain Explorer: american singles

Search
 • advanced
 • preferences

Block:	<input type="checkbox"/> numbers	Adult Filter:	on	off
Hyphens:	No	Yes	Show both	
Options:	<input type="checkbox"/> Left Anchor	<input type="checkbox"/> Right Anchor	<input type="checkbox"/> Ordered	
Search:	Active only	Deleted only	Both	
Options:	Results: 100	Domain Length: 50		

Search At Auction: american singles

Search
 • advanced
 • preferences

Search For Sale: (new) american singles

Search

Query: american singles

Search took 0.042269 seconds.

\$6.95 for

Shopping Cart

Domain	.com	.net	.org	.info	.biz	.us
0 americansingles	X	X	X	X	X	X
1 trueamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 usamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 wamericansingles	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Symbol Key	help
X	Registered and Active Website
X	Registered and Parked or Redirected
X	Registered and No website
X	On-Hold (Generic)
X	On-Hold (Redemption Period)
X	On-Hold (Pending Delete)
<input type="checkbox"/>	Deleted and Available again
<input type="checkbox"/>	Never registered before

EXHIBIT

5

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS' PLC'S RESPONSES AND OBJECTIONS TO
JEWISHAMERICANSINGLES.COM'S FIRST
SET OF INTERROGATORIES

Spark Networks plc ("Responding party") hereby submits the following responses to the JewishAmericanSingles.com's ("Propounding party") First Set of Interrogatories.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. **Preliminary Statement.**

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within Responding party's knowledge, would have been included in these responses. Responding party specifically reserves the right to present additional information and documents as may be disclosed through Responding party's continuing discovery and

investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the interrogatories do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each interrogatory are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the interrogatories, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every interrogatory. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual interrogatory is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to an interrogatory is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a particular interrogatory is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these interrogatories, Responding party does not concede the relevancy of such information to this action, nor does it concede that such information must be used for any purpose in any

other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the interrogatories.

B. General Objections.

1. Responding party objects to Propounding party's interrogatories on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's interrogatories to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's interrogatories to the extent they seek information or documents which are prepared, generated, or received in anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of confidentiality which precludes or limits production or disclosure of information. Responding party reserves the right to request the return of any privileged or protected documents, which may be inadvertently produced to Propounding party. Inadvertent disclosure of such information or documents shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding party objects to Propounding party's interrogatories on the grounds that, and to the extent that, they are overbroad and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's interrogatories on the grounds that, and to the extent that, they seek information that is not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections, Responding party responds as follows:

II.

RESPONSES

INTERROGATORY NO. 1:

Describe the events and CIRCUMSTANCES surrounding Spark Networks plc's application for the trademark, "American Singles" and "JDate"

RESPONSE TO INTERROGATORY NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 2:

Describe the events and CIRCUMSTANCES surrounding Spark Networks' registration of the domain names AmericanSingles.com and JDATE.com respectively.

RESPONSE TO INTERROGATORY NO. 2:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 3:

Describe the events and CIRCUMSTANCES surrounding Spark Networks plc's incorporation, giving the name of the incorporators, the date of incorporation, the place of incorporation and its business purposes and identify further each and every trademark and domain name owned by OPPOSING PARTY.

RESPONSE TO INTERROGATORY NO. 3:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary

financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 4:

Identify any and all sale of services or goods bearing the mark "American Singles" as one word or separately and "Jdate" respectively for the calendar years 2002, 2003, 2004, and 2005.

RESPONSE TO INTERROGATORY NO. 4:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 5:

Identify any income and revenues of OPPOSING PARTY arising from its sale of services, goods or products from AmericanSingles.com and Jdate.com respectively for the calendar years 1999, 2000, 2001, 2002, 2003, 2004 and 2005 respectively.

RESPONSE TO INTERROGATORY NO. 5:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects that this

interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 6:

Identify any and all WRITINGS (as defined by OPPOSING PARTY in its discovery requests) that mention, discuss, evidence, refer to or relate to OPPOSING PARTY'S use of the phrase "American Singles" as one word or separately or "Jdate", including but not limited to the sale or promotion of goods and services.

RESPONSE TO INTERROGATORY NO. 6:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 7:

Identify any and all WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering goods and services under the "American

Singles" name (as one word or two) and the "Jdate" name including but not limited to, marketing plans, advertising plans, strategic business plans, and market research.

RESPONSE TO INTERROGATORY NO. 7:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 8:

Describe any and all events or CIRCUMSTANCES that relate to actual customer confusion or likelihood of confusing stemming from APPLICANT's use of a mark incorporating the phrase "American Singles".

RESPONSE TO INTERROGATORY NO. 8:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks information equally available to the propounding party. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that this interrogatory seeks information protected by the attorney-client

privilege and/or work product doctrine. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 9:

Does Opposing Party maintain any ELECTRONIC DATA CONCERNING the subject matter of the OPPOSITION on any COMPUTER and if so, state the name or names of the databases in which the ELECTRONIC DATA is regularly stored on the COMPUTER(S).

RESPONSE TO INTERROGATORY NO. 9:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 10:

If you answered "yes" to the last preceding interrogatory, then state the passwords used to obtain access to such ELECTRONIC DATA, the list of all ACTIVE FILES that contain INFORMATION CONCERNING the subject matter of the OPPOSITION, all ARCHIVAL FILES that contain information CONCERNING the subject matter of the OPPOSITION as well as DELETED FILES that contain information CONCERNING the subject matter of the OPPOSITION, the location of all ELECTRONIC MEDIA which

contains backup of the ELECTRONIC DATA stored on YOUR COMPUTER and IDENTIFY the person or persons primarily responsible for maintaining YOUR COMPUTER.

RESPONSE TO INTERROGATORY NO. 10:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections to this Interrogatory and Interrogatory No. 9, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 11:

With reference to paragraph 1 of your Grounds for Opposition, kindly state how many of OPPOSITION PARTY's 8 million members are American and how many of those are Jewish and give the same information with regard to AmericanSingles.com.

RESPONSE TO INTERROGATORY NO. 11:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client

communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 12:

With reference to paragraph 3 of your Grounds for Opposition, kindly describe your advertising and promotion of the website at AmericanSingles.com and/or your trade name, giving the nature of said advertising and promotion and the names of the newspapers or other media in which said advertising appeared and the dates thereof and attach a copy of said advertising copy to your answers to these interrogatories

RESPONSE TO INTERROGATORY NO. 12:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 13:

With regard to paragraph 3 on your Grounds for Opposition, kindly give each and every fact upon which you will rely in support of your contention that APPLICANT'S mark is "likely to cause confusion, or to cause mistake, or to deceive". Further state the following

- a. the names and addresses of all persons known to you, your agents or attorneys who have knowledge of said facts or claim to have such knowledge;
- b. and if in fact any testing by way of surveys or otherwise has been done by you or in your behalf, kindly describe the same in detail and attach a copy of said

testing results to your answers to these interrogatories or set forth verbatim the result of said testing

- c. If you have obtained any expert opinions any expert opinions in support of said allegation, the [sic] provide the following information:
- i) the name and address of said expert
 - ii) A complete list of said expert's credentials that qualify him to testify as an expert
 - iii) a description of all litigation in which said expert has testified in the past either by way of deposition or at trial
 - iv) said expert's opinions in this matter
 - v) the facts upon which said expert relies in support of said opinions
 - vi) A description of all literature upon which said expert relies as well as a description of all publications authored by said expert

RESPONSE TO INTERROGATORY NO. 13:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privilege or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 14:

Kindly list each and every U.S. trademark applied for and/or employed by OPPOSING PARTY, and with reference to each:

- a. describe the prospective members or the profile or prospective members which is targeted
- b. give a profile of the membership in each group (i.e. nationality, religion, race, age, marital status, etc.)

RESPONSE TO INTERROGATORY NO. 14:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privilege or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 15:

With reference to the Request to Admit served contemporaneously herewith, if any of said requests are responded to with other than an unqualified admission, give each and every fact upon which you will rely in support of your denial or non-admission or all or a portion of said request and the names and addresses of all persons known to you, your agents or attorneys who have knowledge of said facts or who have opened with regard thereto.

RESPONSE TO INTERROGATORY NO. 15:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 16:

With regard to the Request to Admit served contemporaneously herewith, if the same are neither admitted nor denied for lack of information or belief or otherwise, kindly give a detailed description of all steps taken by you, your agents or attorneys to ascertain the truth or falsity of the facts called for in said Request to Admit and the legal grounds relied upon for said failure to admit or deny.

RESPONSE TO INTERROGATORY NO. 16:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 17:

Kindly state whether or not the application for membership in American Singles asks for the applicant's religion or religious preference and if so, then as to those who respond to the same, give the percentage of said applicants answering said question who indicate that they are Jewish or alternatively give the number of applicants who indicate that they are Jewish and the number of total applicants.

RESPONSE TO INTERROGATORY NO. 17:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 18:

Kindly state whether or not the application for membership in American Singles asks for the applicant's nationality and/or country of residence and if so, then as to those who respond to the same, give the percentage of said applicants answering said question who indicate that their nationality is American or that they reside in the United States.

RESPONSE TO INTERROGATORY NO. 18:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the

grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

INTERROGATORY NO. 19:

Kindly give the name and address of the officers, directors, members of OPPOSING PARTY and the names and addresses of all persons known to you, your agents or attorneys who have knowledge of any of the facts upon which you will rely in support of any of your contentions, their relationship to OPPOSING PARTY and if employed by OPPOSING PARTY, their job title and job duties and the subject matter of their anticipated testimony.

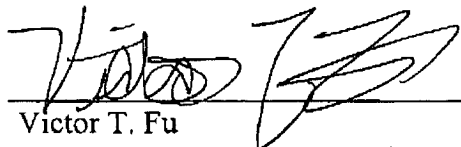
RESPONSE TO INTERROGATORY NO. 19:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based

upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

DATE: March 8 2006

RICHARDSON & PATEL LLP

By: 
Victor T. Fu
Attorneys Spark Networks plc

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES COUNTY

I reside in Los Angeles County in the State of California. I am over the age of 18. I am not a party to this action. My business address is 10900 Wilshire Blvd., Suite 500, Los Angeles, CA 90024.

On March 6, 2006, I served the foregoing documents described as: **SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S FIRST SET OF INTERROGATORIES** on the interested parties in this action by:

X placing **originals** of the document in sealed envelopes addressed to the individuals included on the service list, with prepaid postage, in the U.S. mail in Los Angeles, California.

JewishAmericanSingles.com, Inc.
P.O. Box 279
Birmingham, MI 48012-0279

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

 transmitting a true copy of the document via facsimile to the recipient's telecopier number as stated:

 placing true copies thereof in sealed envelope addressed as stated on the attached service list, then delivering said envelopes by hand to the addressee's office.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 6, 2006, in Los Angeles, California.



Holidae Crawford

EXHIBIT

6

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO
JEWISHAMERICANSINGLES.COM'S SUPPLEMENTAL
INTERROGATORIES

Spark Networks plc ("Responding party") hereby submits the following responses and objections to the JewishAmericanSingles.com's ("Propounding party") Supplemental Interrogatories.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. Preliminary Statement.

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within Responding party's knowledge, would have been included in these responses. Responding party specifically reserves the right to present additional information and

documents as may be disclosed through his continuing discovery and investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the interrogatories do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each discovery request are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the interrogatories, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every request. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual request is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to an interrogatory is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a particular interrogatory is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these interrogatories, Responding party does not concede the relevancy of such information to this action, nor does it concede that such information must be used for any purpose in any

other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the interrogatories.

B. General Objections.

1. Responding party objects to Propounding party's supplemental interrogatories on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's supplemental interrogatories to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's supplemental interrogatories to the extent they seek information or documents which are prepared, generated, or received in anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of confidentiality which precludes or limits production or disclosure of information. Inadvertent disclosure of such information shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding Party objects to Propounding party's supplemental interrogatories on the grounds that, and to the extent that, they are overbroad and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's supplemental interrogatories on the grounds that, and to the extent that, they seek information that is

not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections, Responding Party responds as follows:

II.

RESPONSES

SUPPLEMENTAL INTERROGATORY NO. 1:

With reference to each of the websites referred to in Exhibit B of Applicant's initial interrogatories (a copy of said exhibit is attached hereto for your convenience), kindly state the following:

- a. As to each of said websites, kindly state whether Opposing Party was aware of the same and if so, the date upon which Opposing Party became aware;
- b. Whether or not Opposing Party has in effect done any business of any nature with websites or the entities referred to therein;
- c. Whether or not you have participated in any litigation against the holders of said domain name including but not limited to opposing any claims for trademark; litigation relative to claimed trademark infringement, proceedings under Lanham Act;
- d. Whether or not you have entered into any agreements with any of the holders of said domain names with reference to their continued use of the domain name and if so, the date of said agreement, the signatories to said agreement and the terms of said agreement;
- e. Whether or not you or anyone on your behalf has issued a cease and desist letter with reference to said websites and/or domain name holders;

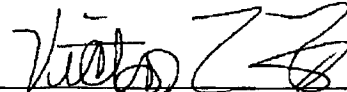
- f. To the extent that you have not taken any action against the holders of these various domain names, kindly state as to each of them your respective reasons for not taking such action.

RESPONSE TO SUPPLEMENTAL INTERROGATORY NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Interrogatory as framed.

DATE: March 6, 2006

RICHARDSON & PATEL LLP

By: 
Victor T. Fu
Attorneys Spark Networks plc

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES COUNTY

I reside in Los Angeles County in the State of California. I am over the age of 18. I am not a party to this action. My business address is 10900 Wilshire Blvd., Suite 500, Los Angeles, CA 90024.

On March 6, 2006, I served the foregoing documents described as: **SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S SUPPLEMENTAL INTERROGATORIES** on the interested parties in this action by:

 X placing **originals** of the document in sealed envelopes addressed to the individuals included on the service list, with prepaid postage, in the U.S. mail in Los Angeles, California.

JewishAmericanSingles.com, Inc.
P.O. Box 279
Birmingham, MI 48012-0279

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

 transmitting a true copy of the document via facsimile to the recipient's telecopier number as stated:

 placing true copies thereof in sealed envelope addressed as stated on the attached service list, then delivering said envelopes by hand to the addressee's office.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 6, 2006, in Los Angeles, California.


Holidae Crawford

EXHIBIT

7

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO
JEWISHAMERICANSINGLES.COM'S REQUEST FOR PRODUCTION OF
DOCUMENTS

Spark Networks plc ("Responding party") submits these responses to JewishAmericanSingles.com's ("Propounding party") Request for Production of Documents.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. Preliminary Statement.

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within his knowledge, would have been included in these responses. Responding party

specifically reserves the right to present additional information and documents as may be disclosed through his continuing discovery and investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the discovery requests do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each discovery request are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the requests, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every request. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual request is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to a request is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a

particular request is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these requests, Responding party does not concede the relevancy of such information to this action, nor does he concede that such information must be used for any purpose in any other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the requests.

Many requests are duplicative and call for the same, or a subset of, documents responsive to other requests. In such instances, responsive documents will be produced only once.

B. General Objections.

1. Responding party objects to Propounding party's requests on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's requests to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's requests to the extent they seek information or documents which are prepared, generated, or received in

anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of confidentiality which precludes or limits production or disclosure of information. Responding party reserves the right to request the return of any privileged or protected documents, which may be inadvertently produced to Propounding party. Inadvertent disclosure of such information or documents shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they are overboard and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they seek information that is not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections,
Responding party responds as follows:

II.
RESPONSES

REQUEST FOR PRODUCTION NO. 1:

ALL WRITINGS which were previously made by OPPOSING PARTY and communicated in any manner to any party CONCERNING OPPOSING PARTY's trademark application for the mark AMERICAN SINGLES as one word or two words.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is vague and ambiguous as to the phrase "any party". Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 2:

ALL WRITINGS which were previously made by OPPOSING PARTY and communicated in any manner to any party CONCERNING APPLICANT's trademark application which is the subject matter of OPPOSING PARTY'S OPPOSITION.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is vague and ambiguous as to the phrase "any party". Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine.

Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 3:

ALL WRITINGS CONCERNING the registration of the domain name www.AmericanSingles.com

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects to this request as it seeks documents equally available to the propounding party. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 4:

ALL WRITINGS CONCERNING the incorporation of the entity Spark Networks plc and any of its predecessors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague and ambiguous as to the term "predecessors". Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 5:

ALL WRITINGS CONCERNING the registration of any dba certificates for American Singles and Jdate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 6:

ALL WRITINGS CONCERNING the allegations set forth in the OPPOSITION.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based

upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 7:

ALL WRITINGS CONCERNING the allegations set forth in the APPLICANT's counterclaim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Responding party further objects that this request seeks information equally available to the Propounding party. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 8:

ALL WRITINGS CONCERNING the allegations in OPPOSING PARTY'S reply to said counterclaim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 9:

ALL WRITINGS CONCERNING any and all sales of services, products or goods bearing the "American Singles" mark as a composite mark, as one word or separately.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 10:

ALL WRITINGS CONCERNING any and all sales of services, products or goods bearing the "Jdate" mark as a composite mark, as one word or separately.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 11:

All applications for membership in American Singles wherein the religious preference was noted by applicant as being Jewish.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this request seeks private or confidential information pertaining to third parties. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 12:

ALL WRITINGS CONCERNING the income and revenues of OPPOSING PARTY arising out of the use of the name AmericanSingles.com Inc. and/or American Singles for the years 1999 to date.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 13:

ALL WRITINGS that mention, discuss, evidence, refer to or relate to OPPOSING PARTY's use of the phrase "American Singles" as one word or separately, including, but not limited to, the sale or promotion of goods and services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 14:

ALL WRITINGS that mention, discuss, evidence, refer to or relate to OPPOSING PARTY's use of the phrase "JDate" as one word or separately, including, but not limited to, the sale or promotion of goods and services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 15:

ALL WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering of goods and services under the "American Singles" name, including, but not limited to marketing plans, advertising plans, strategic business plans, and market research.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 16:

ALL WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering of goods and services under the "JDate" name, including, but not limited to marketing plans, advertising plans, strategic business plans, and market research.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Responding party further objects

on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 17:

ALL WRITINGS that mention, discuss, constitute, refer to or relate to any research, reports, surveys or studies conducted by or on behalf of OPPOSING PARTY relating to consumer or customer perception of any mark that includes the phrase "American Singles" or "JewishAmericanSingles", including, but not limited to search engine reports and key word statistics.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 18:

ALL WRITINGS that mention, discuss, refer to or relate to actual customer confusions or likelihood of confusion stemming from APPLICANT'S use of a mark "JewishAmericanSingles".

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 19:

ALL WRITINGS that mention, discuss, refer to or relate to actual customer confusions or likelihood of confusion stemming from APPLICANT'S use of a mark "JewishAmericanSingles" including the logo which is the subject matter of APPLICANT'S trademark application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 20:

ALL WRITINGS that mention, discuss, constitute, refer to or relate to any comments, inquires, questions, correspondence, or statements from any person relating to

“JewishAmericanSingles” and/or its logo including but not limited to
“JewishAmericanSingles.com”

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 21:

ALL WRITINGS that mention, discuss, evidence, refer to or relate to
APPLICANT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 22:

ALL WRITINGS that mention, discuss, evidence, refer to or relate to
APPLICANT'S website.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 23:

ALL WRITINGS that mention, discuss, evidence, refer to or relate to the circumstance whereby OPPOSING PARTY chose to apply for the mark "JDate".

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague and ambiguous as to the term "circumstance". Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 24:

ALL WRITINGS that mention, discuss, describe, refer to or relate to the circumstance whereby OPPOSING PARTY chose to apply for the mark "American Singles".

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague and ambiguous as to the term "circumstance". Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 25:

ALL WRITINGS that mention, discuss, describe, refer to or relate to the circumstance whereby OPPOSING PARTY chose to establish the website for American Singles and/or JDate and any other website or domain name claimed by OPPOSING PARTY wherein the term singles is employed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague and ambiguous as to the term "circumstance". Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome

and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 26:

ALL ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE, or a FILE FRAGMENT, stored on APPLICANT'S COMPUTER or NETWORK concerning the marks "JDate" and/or "American Singles".

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 27:

ALL ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on OPPOSING PARTY'S COMPUTER or NETWORK concerning APPLICANT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 28:

ALL ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on OPPOSING PARTY'S COMPUTER or NETWORK concerning APPLICANT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 29:

ALL ELECTRONIC DATA, whether in an ACTIVE FILE, ARCHIVAL FILE, DELETED FILE or a FILE FRAGMENT, stored on YOUR COMPUTER or NETWORK concerning the matters stated in the Opposition, the Response thereto, the Counterclaim and the Reply thereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR PRODUCTION NO. 30:

Any and all WRITINGS of any nature requested to be attached to your answers to interrogatories served contemporaneously herewith.

RESPONSE TO REQUEST FOR PRODUCTION NO. 30:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this

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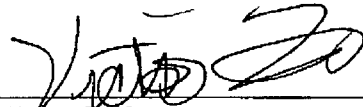
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request is vague and ambiguous as to the term "of any nature". Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: None.

DATE: March 6, 2006

RICHARDSON & PATEL LLP

By: 
Victor T. Fu
Attorneys Spark Networks plc

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES COUNTY

I reside in Los Angeles County in the State of California. I am over the age of 18. I am not a party to this action. My business address is 10900 Wilshire Blvd., Suite 500, Los Angeles, CA 90024.

On March 6, 2006, I served the foregoing documents described as: **SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S REQUEST FOR PRODUCTION OF DOCUMENTS** on the interested parties in this action by:

 X placing **originals** of the document in sealed envelopes addressed to the individuals included on the service list, with prepaid postage, in the U.S. mail in Los Angeles, California.

JewishAmericanSingles.com, Inc.
P.O. Box 279
Birmingham, MI 48012-0279

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

 transmitting a true copy of the document via facsimile to the recipient's telecopier number as stated:

 placing true copies thereof in sealed envelope addressed as stated on the attached service list, then delivering said envelopes by hand to the addressee's office.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 6, 2006, in Los Angeles, California.


Holidae Crawford

EXHIBIT

8

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO
JEWISHAMERICANSINGLES.COM'S REQUESTS TO ADMIT

Spark Networks plc ("Responding party") submits these responses and objections to JewishAmericanSingles.com's ("Propounding party") Requests to Admit.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. **Preliminary Statement.**

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within Responding party's knowledge, would have been included in these responses. Responding party specifically reserves the right to present additional information and

documents as may be disclosed through continuing discovery and investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the interrogatories do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each interrogatory are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the requests, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every request. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual request is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to a request is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a

particular request is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these requests, Responding party does not concede the relevancy of such information to this action, nor does it concede that such information must be used for any purpose in any other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the requests.

B. General Objections.

1. Responding party objects to Propounding party's requests on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's requests to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's requests to the extent they seek information or documents which are prepared, generated, or received in anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of

confidentiality which precludes or limits production or disclosure of information.

Inadvertent disclosure of such information or documents shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they are overbroad and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they seek information that is not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections,

Responding party responds as follows:

II. RESPONSES

REQUEST FOR ADMISSION NO. 1:

Kindly admit that you market AMERICAN SINGLES and/or AmericanSingles.com as a dating service and that the subject matter website in fact is designed to function as a dating service.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is compound and conjunctive. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 2:

That the term of designation AMERICAN SINGLES describes the targeted membership and a profile of the member of AMERICAN SINGLES.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 2:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague and ambiguous as to the phrase "targeted membership". Responding party further objects on the grounds that this request is unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 3:

That advertising and promotion for AMERICAN SINGLES is not limited to or directed specifically to single Jewish American individuals.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 4:

That Spark's trademark upon which Spark relies and refers to in its Grounds for Opposition is in fact two words notwithstanding your pleadings as signed by counsel.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the

grounds that this request is compound and conjunctive. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 5:

That APPLICANT's application for a trademark was in connection with the APPLICANT's logo; a stylized mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 6:

That attached hereto and made a part hereof as Exhibit A is a true copy of the information produced by the TARR system on January 28, 2006 and that the information contained therein is an accurate reflection and summary of the records referred to therein.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request seeks information exclusively available to Propounding party. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 7:

That in fact a large number of domain names containing the words "American Singles" have been applied for and granted including those names contained on the attached list labeled Exhibit B.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 8:

Kindly admit that Spark has no information with regard to any non-Jewish individuals who have applied for membership in JewishAmericanSingles.com but had confused JewishAmericanSingles.com with AmericanSingles.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

REQUEST FOR ADMISSION NO. 9:

Kindly admit that Spark has no knowledge of anyone applying for membership in JewishAmericanSingles.com who was deceived into so doing in the belief that he or she was applying for membership in AmericanSingles.com

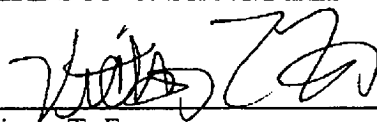
RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this

requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine. Based upon the foregoing objections, Responding party refuses to respond to this Request as framed.

DATE: March 6 2006

RICHARDSON & PATEL LLP

By: 
Victor T. Fu
Attorneys Spark Networks plc

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES COUNTY

I reside in Los Angeles County in the State of California. I am over the age of 18. I am not a party to this action. My business address is 10900 Wilshire Blvd., Suite 500, Los Angeles, CA 90024.

On March 6, 2006, I served the foregoing documents described as: **SPARK NETWORKS PLC'S RESPONSES AND OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S REQUEST TO ADMIT** on the interested parties in this action by:

X placing **originals** of the document in sealed envelopes addressed to the individuals included on the service list, with prepaid postage, in the U.S. mail in Los Angeles, California.

JewishAmericanSingles.com, Inc.
P.O. Box 279
Birmingham, MI 48012-0279

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

 transmitting a true copy of the document via facsimile to the recipient's telecopier number as stated:

 placing true copies thereof in sealed envelope addressed as stated on the attached service list, then delivering said envelopes by hand to the addressee's office.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 6, 2006, in Los Angeles, California.


Holidae Crawford

EXHIBIT

9

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372
For the mark: "JewishAmericanSingles.com"
Filed on: August 2, 2004
Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

**APPLICANT, JEWISHAMERICANSINGLES.COM, INC.'S DISCOVERY MOTION
SEEKING TO COMPEL SPARK NETWORKS TO FURNISH COMPLETE AND
RESPONSIVE ANSWERS TO INTERROGATORIES, TO COMPEL PRODUCTION
OF DOCUMENTS AND TO STRIKE SPARK NETWORKS' RESPONSE TO
ITS REQUEST TO ADMIT AND TO DEEM SAID REQUEST ADMITTED**

NOW COMES Applicant, JewishAmericanSingles.com, Inc., and for its Motion, says:

1. That Applicant served the following discovery requests on or about the dates shown and pursuant to the court rules reflected below:
 - a. Interrogatories dated January 31, 2006 pursuant to FRCP 33 (Exhibit 1);
 - b. Supplemental Interrogatories pursuant to FRCP 33 served on February 1, 2006 (Exhibit 2);
 - c. January 31, 2006 Request for Production pursuant to FRCP 34 (Exhibit 3);
 - d. Request to Admit served on January 31, 2006 pursuant to FRCP 36 (Exhibit 4).
2. On or about March 6, 2006, and without a request for any extension, Spark Networks served the following responses, none of which were in compliance with the court rules:

- e. "Responses" and Objections to the initial Interrogatories consisting solely of objections, all of which were unwarranted, and a copy of said response is attached hereto (Exhibit 5);
- f. Response to Supplemental Interrogatory (Exhibit 6);
- g. "Responses and Objections to JewishAmericanSingles.com's Request for Production of Documents" which was in the form of an objection and furnished no indication that documents would be forthcoming (Exhibit 7);
- h. "Responses and Objections to" Request to Admit which again was merely boilerplate objections (Exhibit 8).

3. That many of Spark's objections spoke in terms of the interrogatory or request being "unintelligible" or "vague" or otherwise improper in form. We are attaching Exhibits 9 and 10 which are copies of Spark's request to produce and interrogatories directed to Applicant respectively. The only purpose of attaching this exhibit is to show that that which Spark complained of as being "vague" and "unintelligible" was the very language employed by Spark in its discovery requests to which JewishAmericanSingles provided responses as best it could. Said exhibits are merely attached to reflect just how disingenuous Spark's objections are.

4. That as will be shown in the attached Brief, Spark's objections are not well taken and reflected an utter disregard for the court rules.

5. That the undersigned did contact Spark's attorney seeking concurrence in an order or voluntary compliance or alternatively some discussion relative to discovery responses and Spark's attorney has refused to acknowledge that Spark's discovery responses were not in accord with applicable court rules.

WHEREFORE, for the reasons set forth in the attached Brief, JewishAmericanSingles does pray for the entry of an order:

- 1. Striking Spark's objections to interrogatories, deeming objections waived and compelling complete and responsive answers to all outstanding interrogatories within ten (10) days from the date hereof;

2. Striking Spark's objections to the Request for Production and compelling Spark to furnish a complete response and to produce all documents called for at the premises of JewishAmericanSingles forthwith;
3. Striking Spark's objections to the Request to Admit and deeming the Request to Admit to be admitted.

Respectfully submitted,

JewishAmericanSingles.com, Inc.

By: _____
Matthew Schwartz

Dated: March 24, 2006

BRIEF IN SUPPORT OF MOTION

I. INTRODUCTION AND PRELIMINARY BROAD BRUSH REFERENCE TO IMPROPRIETY OF CERTAIN CLASS OF OBJECTIONS

Before turning specifically to the court rules and the specific requirements as to each of the discovery devices employed and Spark's failure with regard thereto, we should address three matters that run through all of the objections made by Spark and address their impropriety across the board. The court will note that Spark relies upon certain "general objections", a suggestion that complying with the request would be "burdensome" and that the request calls for items which are privileged or are work product. As the court is aware "general objections" are frowned upon. See, for example, Cotracom Commodity Trading Co. v. Seaboard Corp., No. 97-2391-GTV, 1998, U.S. Dist. LEXIS 6726, at *4-*5 (D. Kan. Aug. 12, 1999), wherein it was held that general objections are "worthless for anything beyond delay of discovery." Indeed, Fed. R. Civ. P. 33(b)(1) requires that each interrogatory is to be answered separately and fully and if objections are made, **the objecting party shall state the reasons for objection and shall answer to the extent the interrogatory is not objectionable.** Fed. R. Civ. P. 33(b)(4) requires that an objection be stated **with specificity.** General objections just do not cut it, particularly when in reading the general objections, one sees that they have absolutely no application.

With regard to requests being burdensome, there is a requirement that the responding party set forth with particularity what the claimed burden consists of. It is incumbent on the responding party to give some indication as to why compliance with the request would be burdensome and not to merely state a conclusion. Indeed, generic objections are improper. See Obiajulu v. City of Rochester, 166 FRD 293, 295 (W.D. N.Y. 1996). This kind of an objection does not provide the specificity required by the court rule. See Burns v. Imagine Films Entertainment, Inc., 164 FRD 589, 593 (W.D. N.Y. 1996)

(objections stating that interrogatory is overly broad, vague and unduly burdensome was not sufficiently specific); Momah v. Albert Einstein Medical Center, 164 FRD 412, 417 (E.D. Pa. 1996) (mere recitation of familiar litany that interrogatory is "overly broad, burdensome, oppressive, and irrelevant" will not suffice); McLeod, Alexander, Powel & Apffel, P.C. v. Quarles, 894 F 2d 1482, 1485 (6th Cir. 1990) (allegation that discovery request was "overly broad, not specific, and created a hardship" was insufficient to warrant protective order); and Pulsecard, Inc. v. Discovery Card Servs., Inc., 168 FRD 295, 303 (D. Kan. 1996) (general objections do not satisfy specificity requirements of Fed. R. Civ. P. 33).

What in fact is "burdensome and oppressive"? Did counsel have to pick up the phone and call his client? This kind of a conclusory objection is totally inappropriate. We are not told why obtaining the requested information would cause any hardship. See, for example, Chubb Integrated Sys. v. National Bank of Washington, 103 FRD 52, 59-60 (D. D.C. 1984), which held that an objecting party must submit affidavits or offer evidence that reveal nature of burden imposed by allegedly overly broad interrogatories. We are living in the age of computers. All of the information is available to as sophisticated company as Spark Networks, we would assume, by enlisting the aid of its computers and by interviewing its people who are in charge of various aspects of its business. It appears that Spark Networks and its counsel wants to return to trial by trick and to take advantage of its oppressive position in dealing with a party unskilled in the law. We would hope that the court would protect us from the same.

With regard to the attorney-client privilege, this seems to be another catchall objection upon which Spark relies but is unwilling to shed any light upon what it is it in fact claims to be privileged and without anything more, this objection asks us to buy a pig in a poke. Indeed, Rule 26(b)(5) requires that when claiming a privilege or trial preparation protection, the privilege must be asserted expressly "and shall describe the nature of the

documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection." If the objection is not made in the proper form, the objection is waived. So, in Kansas-Nebraska Natural Gas Co. v. Marathon Oil Co., 109 FRD 12, 23-24 (D. Neb. 1985), it was held that the failure to designate documents withheld on the basis of work product constituted a waiver of the objection. Likewise, a blanket objection constituted a waiver of attorney-client privilege and work product protection. See Eureka Fin. Corp. v. Hartford Accident & Indemnity Co., 136 FRD 179, 182-185 (E.D. Cal. 1991). See also Peat, Marwick, Mitchell & Co. v. West, 748 F 2d 540, 541-542 (10th Cir. 1984), cert. dismissed, 469 U.S. 1199 (1985). It is our position that non-specific boilerplate general objections should be stricken with regard to all of Spark's responses and further that all objections based upon a request being burdensome or calling for privileged material should likewise be stricken and it will be unnecessary to discuss those items further.

II. APPLICABLE COURT RULES

A. **Interrogatories.** The salient points of the applicable court rule, Fed. R. Civ.

P. 33(b) cover Answers and Objections and provides in substance:

- (1) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, **in which event the objecting party shall state the reasons for objection and shall answer to the extent the interrogatory is not objectionable**

* * * *

- (4) All grounds for an objection to an interrogatory shall be stated **with specificity**. Any ground not stated in a timely objection is waived unless the party's failure to object is excused by the court for good cause shown.
- (5) The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer an interrogatory.

Fed. R. Civ. P. 37 relates to **failure to make disclosure or cooperate in discovery; sanctions**. The applicable subsections include:

(2) Motion

* * * *

(b) If ... a party fails to answer an interrogatory submitted under Rule 33 ... the discovering party may move for an order compelling an answer ...

* * * *

(3) Evasive or incomplete disclosure, answer, or response. For purposes of this subdivision, an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer or respond.

B. **Requests for Production.** Fed. R. Civ. P. 34 regarding production of authorizes a party to request production of documents and the second paragraph of 34(b) requires the party upon whom the request is served to serve a written response within 30 days and the contents of that response is set forth as:

"... The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for the objection shall be stated. If objection is made to part of an item or category, the part shall be specified and an inspection permitted of the remaining parts. The party submitting the request may move for an order under Rule 37(a) with respect to any objection or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested."

FRCP 37(a)(2)(b) provides in salient part that "If a party in response to a request for inspection submitted under Rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request."

Rule 37(a)(b)(3) provides that evasive or incomplete disclosures are to be treated as a failure to disclose.

C. **Request to Admit.** Fed. R. Civ. P. 36 Fed. R. Civ. P. 36 authorizes a party to serve a written request for admission seeking an admission as to the truth of any matter within the scope of Rule 26(b)(1). Even if the request relates to a statement of opinion or facts or the application of law, including the genuineness of any document described in the

request. Rule 26(b)(1) is very broad and while Spark knee jerks the term "relevancy" in its objections, it does not ever state why any matter is not relevant and not within the scope of 26(b)(1).

The second paragraph of 36(a) requires the party to whom the request is made to, within 30 days after service, serve "upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or the party's attorney."

The rule goes on to state in salient part:

"... If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny it. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provision of Rule 27(c), deny the matter or set forth reasons why the party cannot admit it or deny it.

"The party who has requested the admissions may move to determine the sufficiency of the answer or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served."

III. ARGUMENT

We have discussed above certain objections Spark had made which were either overly general or which were not specific enough with regard to items such as "burdensome" or "privileged" and which objections should be stricken. We will try not to rehash those as we discuss Spark's other objections to the respective discovery requests.

A. In view of the fact that Applicant's various discovery requests, including its interrogatories, were in large measure modeled on Spark's interrogatories and the like, it is

difficult for Applicant to fathom Spark's objections which claim that a particular interrogatory was "vague" or "compound" when in fact the interrogatory being attacked by Spark was in fact the very interrogatory that it had authored. We did think that Spark and their counsel would have been flattered by such plagiarism and would have responded rather than denouncing the interrogatory as objectionable.

Spark's responses do not have the ring of sincerity as made manifest by the **Preliminary Statement** contained therein. We are told initially that they may not be able to answer because their "discovery, investigation and preparation for trial have not been completed as of the date of these responses." This is disingenuous as discovery has now closed and no attempt has been made to stipulate to extend discovery and if Respondent's suggestion was accurate, then no discovery could be obtained until the eve of trial when "preparation for trial" was completed.

As indicated, Fed. R. Civ. P. 33(b)(4) requires that objections to interrogatories be stated **with specificity**. However, Spark uses a "one size fits all" objection to each of the interrogatories which may be summarized as follows:

- A. The interrogatory is compound and conjunctive;
- B. That the term "events and **circumstances**" is vague and ambiguous;
- C. That the interrogatory is overly broad and unduly burdensome and oppressive;
- D. That the interrogatory seeks privileged information, including, but not limited to, trade secrets, confidential and propriety financial information, attorney-client communications and attorney work product.

Before discussing the various interrogatories and the application of the objections to the same, we should concede that a number of the interrogatories call for information both about "American Singles" and "JDate". Obviously, Spark Networks' pleadings referred solely to American Singles as being the trade name which it contended the Applicant was infringing upon. However, in Spark Networks' interrogatories submitted to

JewishAmericanSingles (a copy attached hereto and labeled Exhibit 10), it is Spark Networks that injects JDate, another one of its companies and trade names, into the controversy. Consequently, some interrogatories sought information both with regard to American Singles and JDate out of an abundance of caution. Secondly, as indicated previously, a number of the interrogatories which we propounded and which Spark Networks and its lawyers cannot understand and find incomprehensible are in fact the same interrogatories in which they took pride of authorship.

Compound and Conjunctive. Nowhere in the court rules is there reference to an interrogatory being objectionable because it is compound. It would seem that even if the interrogatory were compound or conjunctive that the interrogated party, pursuant to the court rule, would not only be able to state the reason for the objection but "answer to the extent the interrogatory is not objectionable." However, we do not agree that any of the interrogatories are "compound and conjunctive" or to the extent that they were that they still cannot be answered and information provided with regard to that portion of the interrogatory which is not objectionable. For example, supplemental interrogatory number 1 (Exhibit 2) refers to a list of attached websites and asks the responding party information as to each of said websites and its knowledge thereof. We challenge responding party to explain how that interrogatory is so compound that it does not admit of an answer. This is yet another manifestation of responding party's employing the tactic of the octopus who, when attacked, lays down an inky black cloud and attempts to escape in the confusion.

The Phrase "Events and Circumstances" is Vague and Ambiguous. So, for example, Spark was asked to provide a description of the events and circumstances surrounding its application for the trademark "American Singles" and "JDate" in interrogatory number 1. Definitions employed in JewishAmericanSingles' interrogatories expressly incorporated the definitions employed by Spark in its interrogatories. The term

events and circumstances was employed in a number of its discovery requests and was defined as "relating to, referring to, describing, evidencing or constituting." It is a broad interrogatory requiring a broad response and not a retreat behind an objection. Indeed, our interrogatories which employ that term are in fact merely a "back to you" interrogatory that had been submitted to us and for responding party to now claim that that phrase is "vague and ambiguous" is once again disingenuous and makes manifest the arrogance and cavalier attitude which responding party employs in discovery.

Overly Broad and Unduly Burdensome and Oppressive. We have already discussed the fact that this objection is unwarranted unless it had been set forth with particularity what that burden might consist of.

It would be burdensome to the court and to movant within the pages allowed to take each and every interrogatory and to show why these boilerplate objections are not applicable. However, Spark, having undertaken to employ totally unwarranted objections without making them specific as required by the court rule should not impose a burden on either the court or this writer.

B. Production of Documents

Many of the objections to the request for production are part of the common thread which have already been discussed. We are told by Spark that various requests are vague or overly broad. Of course, if one does not want to make an attempt to determine what it is that was called for, one can always call a request "overly broad". However, the test is whether a reasonable person would know what documents or things were being called for in the request; the test is not what an unreasonable person would do to pervert the meaning of a request. See Camco, Inc. v. Baker Oil Tools, Inc., 45 FRD 384, 386-387 (S.D. Tex. 1968), which bases the test of vagueness on a person of "ordinary intelligence". There is no precise definition requirement and so in Mallinckrodt Chemical Works v. Goldman,

Sachs & Co., 58 FRD 348, 353 (S.D. N.Y. 1973), requests for all documents provided to the SEC did not fail for lack of description. Indeed, references in JewishAmericanSingles' Request for Production relative to all writings in support of a certain subject or wherein a certain subject was mentioned is nothing more than the precise requests that were served by Spark. We recognize the "intelligent person" test and we are flattered if Spark believes that we were intelligent enough to respond to their request while they hide their light under the proverbial bushel basket by suggesting that they are not smart enough to respond to our request. This is just another manifestation of Spark's bad faith with regard to discovery. These objections are required to be specific but they are not; they are boilerplate, vague, generic and subject to be stricken as not being within the court rule.

Rather than take the court's time with all of the specifics, we would call to the court's attention that all of these objections are a manifestation of a mindset intended to avoid responding. That is particularly true when the bulk of the requests for production are based upon the exact language employed by Spark in its requests and the definitions employed being the precise definitions that Spark employed, only now to see Spark disclaiming its authorship and attacking the requests as being "vague" or "compound". There has been no attempt by Spark to even partially supply documents that any intelligent and well meaning party would have supplied.

C. Request to Admit.

With regard to the Request to Admit, much of what has been said about Spark's general objections with regard to other discovery requests is certainly applicable. However, a lack of an understanding of the request to admit rule is made manifest by general objection number 3. General objection number 3 apparently is based upon a claim that the request may seek information "obtainable from other sources that are more convenient and less burdensome or are equally available to propounding party." We will discuss the court

rule below but suffice it to say for the moment that a request to admit is not a request for information and certainly is not barred by the fact that the requesting party may have knowledge with regard to the same; its purpose is hopefully to narrow certain factual and perhaps even legal issues. Most of these requests go directly to some of Spark's allegations and we challenge Spark for any authority that would support an objection to a request to admit based upon the claim that the requesting party already has knowledge of the fact. The only appropriate response to a request to admit is an admission, a denial, an indication that the responding party, after due diligence, is unable to admit or deny or in fact a legally cognizable objection. One cannot object on the basis that the requested matter consists of facts within the knowledge of the requesting party. See Diederich v. Department of Army, 132 FED 614, 616-617 (S.D. N.Y. 1990), wherein the court indicated that the purpose of a request to admit is to narrow issues for trial and it does not matter whether the requesting party already had knowledge of the fact. After all, why would a requesting party request the admission of a fact about which it had no knowledge unless it was on a fishing expedition?

Throughout Spark's objections, they insult our pride of authorship by suggesting that they cannot respond because the request is "compound and conjunctive." We are unable to find the term "compound and conjunctive" in the court rules and indeed since the court rule specifically states that a party shall in "good faith" admit that much of a request as is true and qualify the remainder, it is difficult to see why it is that Spark could not admit that portion of the "compound or conjunctive" request that it could admit.

Indeed, if we look at request for admission number 1 which seeks to narrow the issues by requesting Spark to admit that they market **American Singles** and/or **AmericanSingles** (the name varies depending upon whether or not you believe the trademark registration or the pleadings) as dating service and that its function is that of a

dating service. What was so difficult for Spark? Which part didn't they understand? If the request was compound and conjunctive, could they not have "in good faith" given an answer and qualified the same to the necessary degree? Of course, that would have required "good faith".

Request for admission number 2 (improperly quoted in the responses to include "term of designation" instead of "term or designation") merely requests Spark to admit that their use of the name American Singles is employed to describe the membership that it seeks to attract and the profile of that membership (Americans who happen to be single as opposed to slices of Kraft cheese).

At any rate, request number 2 is objected to because Spark does not understand the phrase "targeted membership" and attacks our pride of authorship by stating that the same is unintelligible and for good measure the request is "compound and conjunctive." We regret that counsel does not understand the term "targeted membership" nor does his client. Obviously the term means those prospective members and members whom Spark aims their advertising at or who are actively solicited. Is there any other reasonable construction? It would have been far better and a sign of good faith if counsel would have just sought a better definition, although we do believe that it defies belief to think that someone with the business background of Spark does not understand the term.

In Spark's objections to JewishAmericanSingles' application, it set forth the vigorous advertising and promotion campaign that it had employed with regard to the use of its trade name. In request to admit number 3, we merely requested them to admit that their supposed advertising and promotion campaign was not specifically directed to American singles who are in fact Jewish which in fact is the exclusive profile of the members targeted by JewishAmericanSingles. We are told that this request is "vague, ambiguous and

unintelligible" and that it is "compound and conjunctive." Such an objection is merely a manifestation of the lack of good faith on the part of Spark and its counsel.

Request to admit number 4 seeks an admission with regard to what in fact Spark's trademark consists of. Spark referred, in its opposition, to AmericanSingles as one word while its trademark is in fact two words. We merely ask them to admit in fact that their trademark is in fact two words but unfortunately this request is "vague, ambiguous and unintelligible" as well as "compound and conjunctive." We merely want to get the issues straight and narrow the issues but apparently Spark refuses to do so.

Request to admit number 5 was a request to admit that applicant's application for trademark was not just the use of the words but was in connection with our logo and in effect a stylized mark. We meet, however, the same objections of "vague, ambiguous and unintelligible" and "compound and conjunctive." Not only is this non-responsive and an improper objection but the blood boils as one dictates this brief because of the obvious cavalier attitude that Spark takes and because this court and JewishAmericanSingles has been put to this kind of test.

Request to admit number 6 requests Spark to admit a certain public record and its authenticity and that in fact information contained therein was a reflection and summary of the records relative to the same. This is clearly authorized by the court rule and the document was attached and Spark had the ability to satisfy itself with regard to the authenticity of the document and the material contained therein. We are not only given the usual hip shot objections, but we get the objection that the information is "exclusively available to propounding party." Nonsense! This information was downloaded from a website and the information is equally available to Spark. It is amazing that an attorney would sign his name to a document certifying the truth of the information contained in his pleading and make such an unwarranted statement.

It is a fact that there are a number of domain names in use in which the term "American Singles" are in use. That is a significant issue. Request to admit number 7 seeks an admission of that fact and to make it easy for Spark, we attached a readily available list of the same. Again, we got the usual objections. The request was "vague, ambiguous and unintelligible" and we are not sure at what level of intelligence the requests are to be directed.

Request to admit number 8 relates specifically to Spark's allegation that it is likely to be damaged by registration of applicant's mark as it will tend to impair Spark's right to use its trademark and create consumer deception. We requested Spark to admit that it did not have knowledge of anyone who applied for membership (request number 9) in JewishAmericanSingles who really thought that they applying for membership in AmericanSingles.com. In addition to the aforementioned other knee jerks, we were told that the request was overly broad and unduly burdensome and oppressive. They are the ones who will have to be supporting their claims by facts and if they don't know of anyone, by this time, who has been so confused, they ought to admit to the same. We are not told why the request is "unduly burdensome" because we merely ask for their knowledge; do you have knowledge or don't you have knowledge and if you don't then admit you don't. We have not asked them admit that there were no persons who were confused (there weren't) but merely to admit that they do not have knowledge of any such persons. This is the proper province of a request to admit and does not take an awful lot of research. Why is the attorney-client privilege or work product doctrine applicable? Do they not intend to use the material at the time of trial?

What should the court do given this obvious stonewalling? The court has the discretion to order that an answer be served as to each of the requests to admit or alternatively it may order, in view of the tactics of Spark, that all of the requests be deemed

to be admitted if no proper answer is forthcoming. See, for example, Asea, Inc. v. Southern Pac. Transp. Co., 669 F 2d 1242, 1245 (9th Cir. 1981), holding that the district court may, under these circumstances, deem the matters admitted.

IV. CONCLUSIONS AND RELIEF REQUESTED

Being uneducated in the ways of the law, we were put to our metal in having to file this motion. It should be apparent that Spark has no respect for the transparency required by the court rules in the area of discovery. We would request that this court:

1. Strike all of Spark's objections to JewishAmericanSingles' interrogatories and require that said interrogatories be fully and responsively answered within ten (10) days;
2. Strike all of Spark's objections to the request for production and order that a detailed response be filed forthwith and the documents called for furnished to JewishAmericanSingles at its offices in Birmingham, Michigan.
3. Strike all of Spark's objections to the request to admit and deem all of said requests to be admitted.

Respectfully submitted,

JewishAmericanSingles.com, Inc.

By: _____
Matthew Schwartz

Dated: March 24, 2006

EXHIBIT

10

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: April 4, 2006

Opposition No. 91165925

Spark Networks plc ("Spark")

v.

JewishAmericanSingles.com
("JAS")

Andrew P. Baxley, Interlocutory Attorney:

On March 27, 2006, JAS filed a combined motion to compel discovery and to test the sufficiency of Spark's responses to requests for admissions. Although Spark's time to respond to that motion has not lapsed, the Board elects to decide the combined motion at this time.

A review of applicant's motion indicates that JAS has provided no specific information, such as copies of correspondence between the parties' attorneys or dates and durations of telephone conferences between the parties' attorneys, which indicate that JAS made a genuine, good faith effort to resolve the parties' discovery dispute prior to seeking Board intervention. In addition, the Board notes that JAS served its motion to compel on Spark eighteen days

Opposition No. 91165925

after Spark timely served the discovery responses at issue,¹ that JAS's motion is with regard to every one of Spark's discovery responses, and that JAS has cited to no case law to show that the information and documents sought through those discovery requests is properly discoverable in Board *inter partes* proceedings. Accordingly, the Board finds that JAS has failed to make a sufficient, good faith effort to resolve by agreement the issues raised in its motion prior to seeking Board intervention.² See Trademark Rules 2.120(e)(1) and 2.120(h)(1); TBMP Sections 523.02 and 524.02 (2d ed. rev. 2004).

JAS is reminded that the purpose of discovery is to advance the case so that it may proceed in an orderly manner within reasonable time constraints. To this end, JAS must

¹ Applicant served its first sets of interrogatories, document requests and requests for admission on January 31, 2006 and served supplemental interrogatories on February 1, 2006. Opposer was allowed until thirty-five days from the date of service to serve responses thereto. See Trademark Rules 2.119(c) and 2.120(a). Thus, opposer was allowed until March 7, 2006 to serve responses to applicant's first sets of interrogatories, document requests and requests for admission and until March 8, 2006 to serve responses to applicant's supplemental interrogatories. The responses that opposer served on March 6, 2006 are timely.

² Many of issues discussed in the motion to compel should be resolved without Board intervention, and the Board suggests greater effort to avoid or resolve such controversies. The parties are directed to review carefully TBMP section 414 (2d ed. rev. 2004) regarding the discoverability of various matters in Board *inter partes* proceedings.

The Trademark Board Manual of Procedure (TBMP) is available online at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/>. The Trademark Rules of Practice are available online at <http://www.uspto.gov/web/offices/tac/tmlaw2.html>.

Opposition No. 91165925

adhere to the strictures set forth in *Sentrol, Inc. v. Sentex Systems, Inc.*, 231 USPQ 666 (TTAB 1986), and repeated below:

[E]ach party and its attorney has a duty ... to make a good faith effort to seek only such discovery as is proper and relevant to the specific issues involved in the case. Moreover, where the parties disagree as to the propriety of certain requests for discovery, they are under an obligation to get together and attempt in good faith to resolve their differences and to present to the Board for resolution only those remaining requests for discovery, if any, upon which they have been unable, despite their best efforts, to reach an agreement. Inasmuch as the Board has neither the time nor the personnel to handle motions to compel involving substantial numbers of requests for discovery which require tedious examination, it is generally the policy of the Board to intervene in disputes concerning discovery, by determining motions to compel, only where it is clear that the parties have in fact followed the aforesaid process and have narrowed the amount of disputed requests for discovery, if any, down to a reasonable number.

Based on the foregoing, JAS's motion to compel and to test the sufficiency of Spark's responses to requests for admission is denied without prejudice.

Notwithstanding the foregoing, Spark is reminded that, as the plaintiff in this opposition proceeding, it has the burden of proving that JAS is not entitled to the registration it seeks and that it has a duty to cooperate with JAS in the discovery process.³ See TBMP Section 408.01

³ The Board looks with extreme disfavor upon those who do not cooperate in the discovery process. See TBMP Section 408.01 (2d ed. rev. 2004). The Board notes that opposer's discovery responses consist entirely of objections and that many of the

Opposition No. 91165925

(2d ed. rev. 2004). Spark is reminded in addition that, when a party, without substantial justification, fails to disclose information required, or fails to amend or supplement a prior response, as required, that party may be prohibited from using as evidence the information not so disclosed. See Fed. R. Civ. P. 37(c)(1).

To facilitate the orderly exchange of discovery, the Board hereby imposes its standard protective order, published in the *Official Gazette* on June 20, 2000 at 1235 TMOG 670, on both parties to this proceeding.⁴ A copy of the Board's standard form order is enclosed with each party's copy of this order. The parties are directed to file with the Board, within thirty days of the mailing date of this order, signed copies of the attached protective order and of the attached acknowledgment form so that the terms of the protective order shall survive this proceeding.

Under the circumstances, the Board deems the filing of JAS's motion to have tolled the running of dates herein.

objections set forth in Spark's responses to JAS's discovery requests are with regard to JAS's use of essentially the same language that Spark used in its own written discovery requests in this proceeding. Because the signature of a party or its attorney to a request for discovery constitutes a certification by the party or its attorney that, *inter alia*, the request is warranted, consistent with the Federal Rules of Civil Procedure, and not unreasonable or unduly burdensome, a party generally will not be heard to contend that a discovery request is proper when propounded by one party but improper when propounded by its adversary. See TBMP Sections 402.01 and 408.01 (2d ed. rev. 2004).

Opposition No. 91165925

See Trademark Rule 2.120(e)(2) and 2.120(h)(2); TBMP Sections 523.02 and 524.02 (2d ed. rev. 2004). Proceedings are hereby resumed with testimony periods being reset to allow the parties time in which to make a genuine, good faith effort to attempt to work out their discovery dispute and to again seek Board intervention prior to trial, if such effort is unsuccessful. Accordingly, testimony periods are hereby reset as follows.

30-day testimony period for Spark as plaintiff in the opposition to close: 6/16/06

30-day testimony period for JAS as defendant in the opposition and as plaintiff in the counterclaim to close: 8/15/06

30-day testimony period for Spark as defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close: 10/14/06

15-day rebuttal testimony period for JAS as plaintiff in the counterclaim to close: 11/28/06

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for Spark as plaintiff in the opposition shall be due: 1/27/07

Brief for JAS as defendant in the opposition and as plaintiff in the counterclaim shall be due: 2/26/07

Brief for Spark as defendant in the counterclaim and its reply brief (if any) as plaintiff in the opposition shall be due: 3/28/07

⁴ An electronic copy is available from the PTO website at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>.

Opposition No. 91165925

Reply brief (if any) for JAS as plaintiff in the
counterclaim shall be due:

4/12/07

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125. An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

EXHIBIT

11

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

April 5, 2006

Victor T. Fu, Esq.
Richardson & Patel LLP
10900 Wilshire Blvd., Suite 500
Los Angeles, CA 90024

Re: Spark Networks plc v. JewishAmericanSingles.com

Dear Victor:

I have now seen Mr. Baxley's Order. At first I was taken aback but realized that in large measure the ruling was based upon the fact that I had not documented the fact that we had attempted to get you to reconsider your position with regard to your discovery responses and I also note that the denial of our motion was "without prejudice". It is my understanding that means we can refile the motion should that still be necessary once we have in fact attempted to work the matter out and we are in a position to document our attempts and to hopefully reduce the number of discovery requests that remain at issue. I would hope that you will come to the table in the spirit of cooperation truly attempting to resolve the matter.

Victor, I would hope that you would consider Mr. Baxley's admonitions commencing with the last paragraph on page 3 and footnote number 3.

I would hope that you would appreciate the fact that your objections were at best "general objections" and are not stated with the appropriate specificity and I would refer you to the cases which we in fact cited in the first three pages of our Brief in support of our motion relative to your interrogatory answers. For us to now go through the various discovery requests and debate them when you have not been specific as to what your objections might be and have failed to comply with the court rules (see, for example, Fed. R. Civ. P. 33(b)(4) requiring an objection to be stated with specificity) casts a burden on us to anticipate what in fact your real objection is. While I will discuss in general some of the discovery requests in this letter, I think a threshold requirement for further discussion. I would like to set up a telephone conference with you within the next week but really feel we will be spending a lot of time spinning our wheels unless we make some good faith efforts in advance of such a meeting to try to narrow the issues.

Incidentally, I should indicate to you that I have signed the acknowledgement and I have agreed to the protective order. Consequently I would hope that that should limit some of your concerns as to any suggestion of proprietary information or the need for confidentiality.

I would hope also that you will keep in mind Mr. Baxley's admonition with reference to precluding your client from putting in proofs with reference to information you refuse to provide in response to the discovery requests. Many of the discovery requests are based on your pleadings in effect but if you want to abandon portions of your pleadings, that may make that issue moot.

Turning to our first set of interrogatories, and keeping in mind that we adopted the very same definitions that you had employed in your discovery requests, the following interrogatories are in substance the very same interrogatories that you had submitted to us and consequently I would assume that as suggested in footnote number 3 of Mr. Baxley's opinion, you would be willing to withdraw your objections:

- A. Our interrogatory number 1 tracks your interrogatory number 1.
- B. Our interrogatory number 2 tracks your interrogatory number 2.
- C. Our interrogatory number 3 tracks your interrogatory number 3 except for the fact that it also seeks some specific information which should be considered part of the general information it sought and also asked your client to identify the trademarks and domain names that it owns. However, it basically tracks your interrogatory.
- D. Our interrogatory number 4 tracks your interrogatory number 4 adding only a request for a breakdown as to certain calendar years.
- E. Our interrogatory number 5 in effect tracks your interrogatories 5 and 6 ("sale of services" and "sale of goods or products" respectively).
- F. Our interrogatory 6 tracks your interrogatory 7 and our interrogatory 7 tracks your interrogatory 8.
- G. Our interrogatory 8 tracks your interrogatory 10.
- H. Our interrogatory number 9 tracks your interrogatory number 14.
- I. Our interrogatory 10 tracks your interrogatory 15.

In light of the fact that the above interrogatories track the interrogatories that you had submitted to us (we assume your signature on those interrogatories constitute "a certification ... that the request is warranted, consistent with the Federal Rules of Civil Procedure, and no unreasonable or unduly burdensome" – see footnote 3 of the court's opinion) that that is a recognition on your part that the interrogatory is not objectionable and that you will be responding to the same.

Our interrogatories 11, 12 and 13 merely ask for factual support and the names of witnesses who will provide information relative to certain specific allegations that you have made. Obviously, if you do not have any witnesses or facts in support of those contentions, you can so indicate, keeping in mind that the answer is to be based upon all information available to your client, their agents and attorneys. Further, with regard to interrogatory 11, you specifically reference your 8 million members and the impact of our site. Our site is limited with reference to the kinds of members it attracts and we ought to know how many of your members are in effect in that category. You have also made allegations about your advertising and all we are seeking are specifics with regard to the same so that we can verify the allegation and determine what kind of advertising you were doing and to whom you were appealing. You have made allegations with regard to the likelihood of confusion, etc. and all we want to know is what can

Victor T. Fu, Esq.
April 5, 2006
Page 3

we anticipate with regard to the proofs with regard to the same. I don't think we have to wait until trial unless you want to harken back to the bygone days of trial by trick.

With regard to interrogatory number 14, we believe that the information requested may well be germane; however, it is an interrogatory that we are willing to discuss (we are willing to discuss all of the interrogatories, however, this is one where, in the spirit of good faith, we will give you an up front indication that we probably are willing to abandon the same.)

Paragraphs 15 and 16 go to your responses to the request to admit which we will discuss below. However, it would seem that if you deny a request to admit (once you get past your "objections"), we have a right to know, both by way of interrogatory and by reason of the court rule relating to requests to admit, the facts upon which you rely in support of your denial and who is going to support those facts. Likewise, with regard to interrogatory number 16, as reflected in the court rule relative to requests to admit, if you feel you can neither admit nor deny, you have to let us know just what steps were taken to determine whether or not the fact could be admitted or denied.

Interrogatory number 17 is based upon the fact that JewishAmericanSingles is basically only a small niche in your universe of membership and we should have a right to so indicate and obviously this information is solely in the possession of your clients and is readily available.

Interrogatory 18 is similar except that JewishAmericanSingles is limited, as the name implies, to "Americans" with regard to membership and that may or may not distinguish us from your client but we are only going to know for sure (we have some facts) when your client responds to the interrogatory.

Interrogatory number 19 merely basically asks for some matters which may be a matter of public record (that should not preclude an answer) and the names of witnesses and their relationship to your client. Victor, is that really something that you want to object to?

With regard to the supplemental interrogatory, this is somewhat akin to your interrogatory wherein you wanted to know when we first became aware of others providing similar services. I think you must recognize that there are a lot of entities out there that are doing business under a name that includes "AmericanSingles" or something very similar and that certainly impacts your clients but if you have any specific objection, please let us know what that might be. I am confident that under trademark law that the information requested is germane.

Turning to our request to admit, we recognize that you had not submitted any requests to admit and hence I certainly can't suggest that our requests tracked anything that you had submitted. Given the purpose of a request to admit and the case law that we did cite in our brief, even to assume that we had knowledge of the facts that we are requesting you to admit, you still have to respond. See Diederich v. Department of Army, cited at page 10 of our Brief. I really don't know why you bothered to object when basically we were merely trying to narrow the issues as is the office of a request to admit. In the spirit of cooperation, we will withdraw request to admit number 1, particularly because we see that you make reference, in your opposition, to AmericanSingles as providing online dating services and since you have not amended the opposition, we assume that that item is not at issue and has been judicially admitted in this

proceeding and obviously can be used as a non-judicial admission in other litigation that may be pending against your client.

Victor, request numbers 2 and 3 should be simple enough. If you want to put us to the task of reviewing all of your client's advertising in behalf of AmericanSingles and to go through your records as to the profile of your membership, I suppose we can do that (if you ever in fact respond to the other outstanding discovery requests) but this is something you can either admit or deny and if it is a denial, give us the basis for your denial.

Request number 4 is merely designed to clarify and give a proper description of the trademark. Your pleadings refer in effect to a one word trademark when in fact the trademark is two words. This may be a very real distinction and again it is simple enough to either admit it or deny it. Why are we fencing?

Request number 5 is merely designed to narrow the issue as to what exactly is our trademark and you refer in your discovery requests to our trademark being a stylized mark. Indeed, your interrogatory number 1 refers to our application for the "stylized mark". Why are we being coy?

Request number 6 is specifically within the federal rules relative to requests to admit which include a request that you admit the genuineness of an attached document. I am not sure why that is objectionable. The same is true in large measure with regard to request number 7 and I am sure that your client is aware of the domain names that include the words "AmericanSingles" in one form or another.

Request numbers 8 and 9 go specifically to allegations that you have made and the fact that there are no facts to support your contentions with regard to confusion. If you have the facts, come forward and let us know, as that would seem to be what good faith discovery requires.

That brings us finally to our request for production of documents. Again, we have incorporated all of your definitions and in fact have relied upon the fact that you would not submit requests that were not in conformity with the court rules and hence have merely submitted the same requests to you. Those mirror images include the following:

- A. Our request number 1 tracks your request number 1.
- B. Our request number 3 tracks your request number 2.
- C. Our request number 4 tracks your request number 3.
- D. Our request number 6 tracks your request number 4.
- E. Our request number 9 tracks your request number 5.
- F. Our request number 10 tracks your request number 5 as well.
- G. Our request number 12 tracks your request number 6.
- H. Our request number 13 tracks your request number 7.

Victor T. Fu, Esq.
April 5, 2006
Page 5

- I. Our request number 14 likewise tracks your request number 7 (keep in mind that you injected JDate through your discovery requests).
- J. Our request numbers 15 and 16 in effect track your request number 8.
- K. Our request number 17 tracks your request number 9.
- L. Our request numbers 18 and 19 track your request number 10.
- M. Our request number 10 tracks your request number 11.
- N. Our request number 21 tracks your request number 12.
- O. Our request number 22 tracks your request number 13.
- P. Our request numbers 23 and 24 track your request number 14.
- Q. Our request number 25 tracks but expands upon your request number 15 primarily because you injected JDate into your discovery requests.
- R. Our request number 26 tracks your request number 16.
- S. Our request number 27 tracks your request number 17.
- T. Our request number 28 tracks your request number 18.
- U. Our request number 29 tracks your request number 19.

Victor, I don't want to repeat necessarily what I've said with regard to your not being in a position to object to interrogatories which were based upon interrogatories that you had submitted as the same is applicable with regard to the request to produce. However, moving on, our request number 30 merely properly sets forth in a request for production a reference to all of the documents that we sought to be produced and attached to your answers to interrogatories. If no such documents exist, you can tell us that. If they do exist, then I would assume that you will respond appropriately.

It appears to me that our request number 2 really is based upon your request number 1 and unless you can tell me otherwise, I tend to think that that relates again to flattering you by adopting your own requests.

Victor, with regard to the remaining requests, looking at your very general objections, it is hard to tell what you are objecting to. Please advise, as we may be able to accommodate you.

I would appreciate it if you would get back to me as soon as possible and we can pick a date some time next week to discuss these discovery requests in detail to see what we cannot work out. I want to avoid having to file another motion and I'm sure the court would prefer that we not

Victor T. Fu, Esq.
April 5, 2006
Page 6

file another motion. If your client wants to stonewall their responses, then obviously there will have to be another motion. I hope that is not necessary.

Very truly yours,

Matthew Schwartz

EXHIBIT

12

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

RICHARDSON & PATEL LLP

**10900 Wilshire Boulevard
Suite 500
Los Angeles, California 90024
Telephone (310) 208-1182
Fax (310) 208-1154**

April 14, 2006

Via Electronic Mail

Mr. Matthew Schwartz
SCHWARTZ O'HAVER, INC.
d/b/a JewishAmericanSingles.com, Inc.
472 Bennaville Ave.
Birmingham, MI 48009
(mschwartz@jewishamericansingles.com)

Re: *Spark Networks plc v. JewishAmericanSingles.com*
Our File: 1706-001

Dear Mr. Schwartz:

Per our prior communications, we are providing this preliminary response to your electronic correspondence dated April 5, 2006 concerning the issues raised by your discovery motion which was denied without prejudice by the TTAB recently. We appreciate your willingness to withdraw certain requests made. So that our discussion on Tuesday will have a bit more structure, we are writing to advise you in greater detail of the specific objections to your remaining discovery requests.

1. INTERROGATORIES

With respect to your Interrogatories, it is incorrect when you claim that language of your interrogatories tracks the language of our interrogatories exactly. While you adopted some of the language, the defect in your interrogatories arises from the fact that you repeatedly add additional subjects and dates to individual interrogatories rendering them compound and disjunctive. There is a mandated limit on the number of interrogatories which may be interposed for a specific reason. In line with that limitation is the prohibition against combining multiple inquiries pertaining to different subjects into a single interrogatory.

When an interrogatory includes questions set forth as numbered or lettered subparts, each separately designated subpart will be counted by the Board as a separate interrogatory. Additionally, the Board will look to the substance of each subpart and

Mr. Matthew Schwartz
Re: *Spark Networks plc v. JewishAmericanSingles.com*
April 14, 2006
Page 2

count each subject as a separate interrogatory. Your first 10 interrogatories alone (which you contend track the language of our interrogatories exactly) cover substantial greater and different subjects than we seek in our first 22 interrogatories, not including the fact that each one of your interrogatories seeks information relating to JDate.com as well.

Furthermore, we maintain that any interrogatories regarding information relating to JDate.com are irrelevant and outside the scope of this matter, in that neither our client's opposition or your application or request to cancel Spark's trademark involves JDate.com. While we raise a contention that your use of JewishAmericanSingles.com does raise the specter of added confusion in light of the fact that Spark operates both AmericanSingles.com and Jdate.com, this contention does not open the door to wholesale discovery over the JDATE trademark or the Jdate.com website.

Accordingly, we would propose that you address these objections to your interrogatories by revising them so as to cure these defects. We can discuss expediting the respond due date for responses thereto to address any timing concerns.

2. SUPPLEMENTAL INTERROGATORIES

As an initial matter, you make reference to Exhibit B of Applicant's initial interrogatories, however there are two lists (both of which were attached to the Supplemental Interrogatories) with no noticeable label or distinction as to which list is Exhibit A and which list is Exhibit B. Please clarify. With respect to the substance of the Supplemental Interrogatories, as stated above, when an interrogatory includes questions set forth as numbered or lettered subparts, each separately designated subpart will be counted by the Board as a separate interrogatory. Additionally, the Board will look to the substance of the interrogatories and count each subpart as a separate interrogatory.

The substance of each of the lettered subparts of the Supplemental Interrogatories consist of 6 lettered subparts (A-F), and each lettered subpart requests information concerning more than one issue, and requests this information with respect to over 100 websites. Coupled with the subparts in your Interrogatories, you would certainly exceed the mandated limit on the number of interrogatories that may be interposed, and as a result we will not respond to the Supplemental Interrogatories as presently served.

As before, we would propose that you address these objections by revising and propounding an amended version of the interrogatories to cure the defects thereto.

3. REQUESTS FOR ADMISSION

Again, you make reference to an attached Exhibit A, however the only two lists received with your discovery have no noticeable label or distinction as to which list is

Mr. Matthew Schwartz
Re: *Spark Networks plc v. JewishAmericanSingles.com*
April 14, 2006
Page 3

Exhibit A and which list is Exhibit B, and both are attached to the Supplemental Interrogatories. Please clarify.

With respect to the substance of the Requests to Admit, each request is a compound request, which cannot be properly admitted or denied. Each written request for admission shall be separately set forth. Fed. R. Civ. P. 36 (a). Your requests for admissions repeatedly cover different subjects and combine multiple admissions into a single request. They must be separated out before a proper response can be made.

As with the Interrogatories, we would propose that you address these objections by revising and propounding an amended version of these requests to cure the defects thereto.

4. REQUESTS FOR PRODUCTION OF DOCUMENTS

With respect to the Requests for Production of Documents, it is similarly incorrect to claim that your language tracks the language of our document requests exactly. While you adopted some of the language, the defect in your document requests again arises from the fact that you also request documents and information relating to JDate.com. As mentioned with regard to your Interrogatories above, any requests seeking documents relating to JDate.com are irrelevant and outside the scope of this matter.

Accordingly, while we are willing to supplement our responses as to those discovery requests pertaining to "AmericanSingles," but we will not produce documents relating to Spark Networks's corporate structure or JDate.com. In addition, we maintain that any individualized information concerning members or applicants of "AmericanSingles" would violate the privacy rights of those individuals and, as the custody of such private information, we are required to reject any efforts to compel any disclosure.

I look forward to discussing these issues further during our telephone conference on Tuesday, April 18, 2006. Thank you for your anticipated courtesy and cooperation. Should you have any questions, please feel free to contact our office.

Cordially,

RICHARDSON & PATEL LLP

By: _____
Victor T. Fu

cc: Client

EXHIBIT

13

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

April 27, 2006

Victor T. Fu, Esq.
Richardson & Patel LLP
10900 Wilshire Blvd., Suite 500
Los Angeles, CA 90024

Re: Spark Networks plc v. JewishAmericanSingles.com

Dear Victor:

I did appreciate speaking to you during our telephone conference on April 25th. Indeed, I am sorry that we did not have that talk before you filed your original objections but hopefully we are now on the right trajectory. I did want to confirm our telephone conversation as my notes reflect that conversation.

With regard to the initial set of interrogatories, it is my understanding that on or before May 10th you will furnish us with responsive answers to those interrogatories. It is my understanding that you are preserving your objection with regard to information sought as to JDate and you have not undertaken, in our conversation, to answer as to those portions of interrogatories which relate to JDate.

With regard to the supplemental interrogatory, we will re-draft the same. Your major objection seemed to be that in its present form, the supplemental interrogatory would have put us over the limit with regard to the number of interrogatories allowed. We, as you know, disagree with that but in the spirit of cooperation we have agreed to send out the interrogatory in a different form and I should have that in your hands within the next day or so. I trust that you will expedite responding to the same and we will have a response to the supplemental interrogatory on or before May 10th.

With regard to the request for admissions, we have withdrawn request to admit number 1 and, again, you will respond to the remaining requests to admit on or before May 10th.

With regard to our request for production, it is my understanding that you will supplement your response on or before May 10th and make the necessary documents available to us. Again, I know that you have preserved your objection with regard to documents relating to JDate and you have made no commitment with regard to the same.

I hope that this letter does confirm our understanding. While you have preserved your rights relative to objecting with regard to information as to JDate, we are likewise reserving our rights to move to compel with regard to information as to JDate. We are also awaiting your responses and hope that in fact they will be just that, "responsive".

Victor, it strikes me that when we get the answers to interrogatories, we will find out a lot about your client and its ability to spend money for advertising and the like. I anticipate that the amounts are going to be staggering. In light of that and referring to my letter of March 24, 2006 wherein I discussed framework for resolution of this matter, giving certain alternatives, I am

Victor T. Fu, Esq.
April 27, 2006
Page 2

going to have to withdraw the suggestion that we might purchase your client. Victor, I was only kidding then and my reference at this time to that offer should be taken in a like vein.

Once again, it was good to talk to you and I appreciate your taking time out from your busy schedule to spend some time with us on the phone.

Very truly yours,

Matthew Schwartz

EXHIBIT

14

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS' PLC'S SUPPLEMENTAL RESPONSES TO
JEWISHAMERICANSINGLES.COM'S FIRST
SET OF INTERROGATORIES

Spark Networks plc ("Responding party") hereby submits the following supplemental responses to the JewishAmericanSingles.com's ("Propounding party") First Set of Interrogatories.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. Preliminary Statement.

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within Responding party's knowledge, would have been included in these responses. Responding party specifically reserves the right to present additional information and

documents as may be disclosed through Responding party's continuing discovery and investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the interrogatories do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each interrogatory are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the interrogatories, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every interrogatory. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual interrogatory is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to an interrogatory is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a particular interrogatory is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these interrogatories, Responding party does not concede the relevancy of such information to

this action, nor does it concede that such information must be used for any purpose in any other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the interrogatories.

B. General Objections.

1. Responding party objects to Propounding party's interrogatories on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's interrogatories to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's interrogatories to the extent they seek information or documents which are prepared, generated, or received in anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of confidentiality which precludes or limits production or disclosure of information. Responding party reserves the right to request the return of any privileged or protected documents, which may be inadvertently produced to Propounding party. Inadvertent disclosure of such information or documents shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding party objects to Propounding party's interrogatories on the grounds that, and to the extent that, they are overbroad and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's interrogatories on the grounds that, and to the extent that, they seek information that is not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections, Responding party responds as follows:

II.

RESPONSES

INTERROGATORY NO. 1:

Describe the events and CIRCUMSTANCES surrounding Spark Networks plc's application for the trademark, "American Singles" and "JDate."

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Spark Networks applied for the trademark American Singles (U.S. Trademark Registration No. 2608475) in (then) Class 042 for computer services. The

American Singles trademark was registered in the Principal Register on August 20, 2002. Said registration was based on an application filed in the U.S. Patent and Trademark office on August 26, 1999.

INTERROGATORY NO. 2:

Describe the events and CIRCUMSTANCES surrounding Spark Networks' registration of the domain names AmericanSingles.com and JDATE.com respectively.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party first registered the domain name AmericanSingles.com in or about March 1999 via Network Solutions.

INTERROGATORY NO. 3:

Describe the events and CIRCUMSTANCES surrounding Spark Networks plc's incorporation, giving the name of the incorporators, the date of incorporation, the place of incorporation and its business purposes and identify further each and every trademark and domain name owned by OPPOSING PARTY.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Spark Networks is a public limited company incorporated in 1999 under the laws of England and Wales. Spark Networks is a leading provider of online personal services in the United States and internationally. Spark Networks' sites enable adults to meet online and participate in a community, become friends, date, form a long-term relationship or marry. Spark Networks provides this opportunity through the many features on its web sites, such as detailed profiles, onsite email centers, real-time chat rooms and instant messaging services. Spark Networks acquired and operates several web sites and maintains operations throughout the world. Spark Networks' websites include: AmericanSingles.com, JDate.com, AdventistSinglesConnection.com, AsianSinglesConnection.com, BaptistSinglesConnection.com, BBWPersonalsPlus.com, BlackSinglesConnection.com, CanadianPersonals.net, CatholicMingle.com, CollegeLuv.com, Cupid.co.il, Date.ca, Date.co.uk, DeafSinglesConnection.com, GreekSinglesConnection.com, IndianMatrimonialNetwork.com, InterracialSingles.net, ItalianSinglesConnection.com, JDate.co.il, JewishMingle.com,

LatinSinglesConnection.com, LDSMingle.com, MilitarySinglesConnection.com, PrimeSingles.net, Relationships.com, SingleParentsMingle.com, Spark.com, UKSinglesConnection.com. Spark Networks presently holds the following trademark registrations nos. 3035752, 2920951, 3053126, 3059493, 3059492, 2988017, 2846861, 3006382, 2856940, 2853581, 2867879, 2621519, 2842254, 2893713, 2764994, 2772879, 2858247, 2326318, 2314122, 2875134, 2445788, 24202967, 2608475, and 2267411.

INTERROGATORY NO. 4:

Identify any and all sale of services or goods bearing the mark "American Singles" as one word or separately and "Jdate" respectively for the calendar years 2002, 2003, 2004, and 2005.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall provide documents containing the responsive information concurrently with this supplemental response.

INTERROGATORY NO. 5:

Identify any income and revenues of OPPOSING PARTY arising from its sale of services, goods or products from AmericanSingles.com and Jdate.com respectively for the calendar years 1999, 2000, 2001, 2002, 2003, 2004 and 2005 respectively.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall provide documents containing the responsive information concurrently with this supplemental response.

INTERROGATORY NO. 6:

Identify any and all WRITINGS (as defined by OPPOSING PARTY in its discovery requests) that mention, discuss, evidence, refer to or relate to OPPOSING PARTY'S use of the phrase "American Singles" as one word or separately or "Jdate", including but not limited to the sale or promotion of goods and services.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party

further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall provide documents containing the responsive information concurrently with this supplemental response.

INTERROGATORY NO. 7:

Identify any and all WRITINGS that mention, discuss, refer to or relate to the marketing, promotion, advertising, and offering goods and services under the "American Singles" name (as one word or two) and the "Jdate" name including but not limited to, marketing plans, advertising plans, strategic business plans, and market research.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall provide documents containing the responsive information concurrently with this supplemental response.

INTERROGATORY NO. 8:

Describe any and all events or CIRCUMSTANCES that relate to actual customer confusion or likelihood of confusing stemming from APPLICANT's use of a mark incorporating the phrase "American Singles".

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that the phrase "events and CIRCUMSTANCES" is vague and ambiguous. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks information equally available to the propounding party. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that this interrogatory seeks information protected by the attorney-client privilege and/or work product doctrine. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: The scope of a trademark is determined by whether there is a likelihood of confusion between the two marks, not whether there has been any actual confusion. Spark Networks contends that it is likely to be damaged by registration of the JewishAmericanSingles.com mark because it will tend to impair Spark Networks' right to use the trademark by creating potential for substantial dilution and consumer deception and confusion because the purchasing public using online personal services would mistakenly assume that JewishAmericanSingles.com is sponsored by, is associated and/or affiliated with, or originates from the same source as AmericanSingles.com. Spark

Networks makes this contention on the basis that: (1) the marks are similar in appearance, sound, connotation and commercial impression; (2) the personal services provided are similar; (3) AmericanSingles.com is the more established and more recognized of the marks; and, (4) there is undoubtedly potential and actual confusion between the marks.

INTERROGATORY NO. 9:

Does Opposing Party maintain any ELECTRONIC DATA CONCERNING the subject matter of the OPPOSITION on any COMPUTER and if so, state the name or names of the databases in which the ELECTRONIC DATA is regularly stored on the COMPUTER(S).

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Yes.

INTERROGATORY NO. 10:

If you answered "yes" to the last preceding interrogatory, then state the passwords used to obtain access to such ELECTRONIC DATA, the list of all ACTIVE FILES that contain INFORMATION CONCERNING the subject matter of the OPPOSITION, all ARCHIVAL FILES that contain information CONCERNING the subject matter of the OPPOSITION as well as DELETED FILES that contain information CONCERNING the

subject matter of the OPPOSITION, the location of all ELECTRONIC MEDIA which contains backup of the ELECTRONIC DATA stored on YOUR COMPUTER and IDENTIFY the person or persons primarily responsible for maintaining YOUR COMPUTER.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall provide documents containing the responsive information concurrently with this supplemental response.

INTERROGATORY NO. 11:

With reference to paragraph 1 of your Grounds for Opposition, kindly state how many of OPPOSITION PARTY's 8 million members are American and how many of those are Jewish and give the same information with regard to AmericanSingles.com.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged

or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party does not require its members to provide information concerning their religious affiliation or national origin and several members do not voluntarily provide such information. Accordingly, Responding party cannot respond to this Interrogatory as framed.

INTERROGATORY NO. 12:

With reference to paragraph 3 of your Grounds for Opposition, kindly describe your advertising and promotion of the website at AmericanSingles.com and/or your trade name, giving the nature of said advertising and promotion and the names of the newspapers or other media in which said advertising appeared and the dates thereof and attach a copy of said advertising copy to your answers to these interrogatories.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall provide documents containing the responsive information concurrently with this supplemental response.

INTERROGATORY NO. 13:

With regard to paragraph 3 on your Grounds for Opposition, kindly give each and every fact upon which you will rely in support of your contention that APPLICANT'S mark is "likely to cause confusion, or to cause mistake, or to deceive". Further state the following

- a. the names and addresses of all persons known to you, your agents or attorneys who have knowledge of said facts or claim to have such knowledge;
- b. and if in fact any testing by way of surveys or otherwise has been done by you or in your behalf, kindly describe the same in detail and attach a copy of said testing results to your answers to these interrogatories or set forth verbatim the result of said testing
- c. If you have obtained any expert opinions any expert opinions in support of said allegation, the [sic] provide the following information:
 - i) the name and address of said expert
 - ii) a complete list of said expert's credentials that qualify him to testify as an expert
 - iii) a description of all litigation in which said expert has testified in the past either by way of deposition or at trial
 - iv) said expert's opinions in this matter
 - v) the facts upon which said expert relies in support of said opinions
 - vi) A description of all literature upon which said expert relies as well as a description of all publications authored by said expert

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the

grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privilege or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: The scope of a trademark is determined by whether there is a likelihood of confusion between the two marks, not whether there has been any actual confusion. Spark Networks contends that it is likely to be damaged by registration of the JewishAmericanSingles.com mark because it will tend to impair Spark Networks' right to use the trademark by creating potential for substantial dilution and consumer deception and confusion because the purchasing public using online personal services would mistakenly assume that JewishAmericanSingles.com is sponsored by, is associated and/or affiliated with, or originates from the same source as AmericanSingles.com. Spark Networks makes this contention on the basis that: (1) the marks are similar in appearance, sound, connotation and commercial impression; (2) the personal services provided are similar; (3) AmericanSingles.com is the more established and more recognized of the marks; and, (4) there is undoubtedly potential and actual confusion between the marks. The persons now to Spark Networks who have knowledge of these facts are: Dan Rhodes, Legal & Business Affairs Manager.

Spark Networks has not performed any formal testing or surveys, nor has Spark Networks hired anyone to perform any formal testing or surveys. Spark Networks has not obtained any expert opinions at this time.

INTERROGATORY NO. 14:

Kindly list each and every U.S. trademark applied for and/or employed by OPPOSING PARTY, and with reference to each:

- a. describe the prospective members or the profile or prospective members which is targeted
- b. give a profile of the membership in each group (i.e. nationality, religion, race, age, marital status, etc.)

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privilege or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Spark Networks' websites include: AmericanSingles.com, JDate.com, AdventistSinglesConnection.com, AsianSinglesConnection.com, BaptistSinglesConnection.com, BBWPersonalsPlus.com, BlackSinglesConnection.com, CanadianPersonals.net, CatholicMingle.com, CollegeLuv.com, Cupid.co.il, Date.ca, Date.co.uk, DeafSinglesConnection.com, GreekSinglesConnection.com, IndianMatrimonialNetwork.com, InterracialSingles.net, ItalianSinglesConnection.com, JDate.co.il, JewishMingle.com, LatinSinglesConnection.com, LDSMingle.com, MilitarySinglesConnection.com, PrimeSingles.net, Relationships.com, SingleParentsMingle.com, Spark.com, UKSinglesConnection.com. Spark Networks presently holds the following trademark registrations nos. 3035752, 2920951, 3053126, 3059493, 3059492, 2988017, 2846861, 3006382, 2856940, 2853581, 2867879, 2621519,

2842254, 2893713, 2764994, 2772879, 2858247, 2326318, 2314122, 2875134, 2445788, 24202967, 2608475, and 2267411.

INTERROGATORY NO. 15:

With reference to the Request to Admit served contemporaneously herewith, if any of said requests are responded to with other than an unqualified admission, give each and every fact upon which you will rely in support of your denial or non-admission or all or a portion of said request and the names and addresses of all persons known to you, your agents or attorneys who have knowledge of said facts or who have opened with regard thereto.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows:

Request for Admission No. 2: AmericanSingles.com caters to singles of all races, religious affiliations, ethnicities and interests.

Request for Admission No.: 5: As Responding party has never reviewed Applicant's application, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

Request for Admission No. 6: As Responding party did not print Exhibit A or review information produced by the TARR system on January 28, 2006, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

Request for Admission No. 8: As Responding party does not require its users and members to disclose their religious affiliations, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

Request for Admission No. 9: As Responding party has not interviewed all members of JewishAmericanSingles.com and discovery continues, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

INTERROGATORY NO. 16:

With regard to the Request to Admit served contemporaneously herewith, if the same are neither admitted nor denied for lack of information or belief or otherwise, kindly give a detailed description of all steps taken by you, your agents or attorneys to ascertain the truth or falsity of the facts called for in said Request to Admit and the legal grounds relied upon for said failure to admit or deny.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that the interrogatory seeks

privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Not applicable.

INTERROGATORY NO. 17:

Kindly state whether or not the application for membership in American Singles asks for the applicant's religion or religious preference and if so, then as to those who respond to the same, give the percentage of said applicants answering said question who indicate that they are Jewish or alternatively give the number of applicants who indicate that they are Jewish and the number of total applicants.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party does not require its members to provide information concerning their religious affiliation and several members do not voluntarily provide such information.

INTERROGATORY NO. 18:

Kindly state whether or not the application for membership in American Singles asks for the applicant's nationality and/or country of residence and if so, then as to those who respond to the same, give the percentage of said applicants answering said question who indicate that their nationality is American or that they reside in the United States.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks privileged or confidential information pertaining to third parties. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party does not require its members to provide information concerning their national origin and several members do not voluntarily provide such information.

INTERROGATORY NO. 19:

Kindly give the name and address of the officers, directors, members of OPPOSING PARTY and the names and addresses of all persons known to you, your agents or attorneys who have knowledge of any of the facts upon which you will rely in support of any of your contentions, their relationship to OPPOSING PARTY and if employed by OPPOSING PARTY, their job title and job duties and the subject matter of their anticipated testimony.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this interrogatory is compound and conjunctive. Responding party further objects on the grounds that this interrogatory is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this interrogatory is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this interrogatory seeks information equally/publicly available to Propounding party. Responding party further objects on the grounds that the interrogatory seeks privileged information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Dan Rhodes, Legal & Business Affairs Manager.

DATE: May 10, 2006

RICHARDSON & PATEL LLP

By: 

Victor T. Fu

Attorneys Spark Networks plc

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES COUNTY

I reside in Los Angeles County in the State of California. I am over the age of 18. I am not a party to this action. My business address is 10900 Wilshire Blvd., Suite 500, Los Angeles, CA 90024.

On May 10, 2006, I served the foregoing documents described as: **SPARK NETWORKS PLC'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S FIRST SET OF INTERROGATORIES** on the interested parties in this action by:

X placing **originals** of the document in sealed envelopes addressed to the individuals included on the service list, with prepaid postage, in the U.S. mail in Los Angeles, California.

JewishAmericanSingles.com, Inc.
P.O. Box 279
Birmingham, MI 48012-0279

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

 transmitting a true copy of the document via facsimile to the recipient's telecopier number as stated:

 placing true copies thereof in sealed envelope addressed as stated on the attached service list, then delivering said envelopes by hand to the addressee's office.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 10, 2006 in Los Angeles, California.


Holidae Crawford

EXHIBIT

15

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS PLC'S SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S REQUESTS TO
ADMIT

Spark Networks plc ("Responding party") submits these supplemental responses and objections to JewishAmericanSingles.com's ("Propounding party") Requests to Admit.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. **Preliminary Statement.**

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within Responding party's knowledge, would have been included in these responses.

Responding party specifically reserves the right to present additional information and documents as may be disclosed through continuing discovery and investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the interrogatories do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each interrogatory are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the requests, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every request. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual request is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to a request is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a

particular request is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these requests, Responding party does not concede the relevancy of such information to this action, nor does it concede that such information must be used for any purpose in any other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the requests.

B. General Objections.

1. Responding party objects to Propounding party's requests on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's requests to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's requests to the extent they seek information or documents which are prepared, generated, or received in anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of

confidentiality which precludes or limits production or disclosure of information.

Inadvertent disclosure of such information or documents shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they are overbroad and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they seek information that is not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections, Responding party responds as follows:

II. RESPONSES

REQUEST FOR ADMISSION NO. 1:

Kindly admit that you market AMERICAN SINGLES and/or AmericanSingles.com as a dating service and that the subject matter website in fact is designed to function as a dating service.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is compound and conjunctive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Admit that AmericanSingles.com provides online personals services and advertises its provision of these services.

REQUEST FOR ADMISSION NO. 2:

That the term of designation AMERICAN SINGLES describes the targeted membership and a profile of the member of AMERICAN SINGLES.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 2:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague and ambiguous as to the phrase "targeted membership". Responding party further objects on the grounds that this request is unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Deny as AmericanSingles.com caters to singles of all races, ethnicities and interests and does not require its members be residents of the United States.

REQUEST FOR ADMISSION NO. 3:

That advertising and promotion for AMERICAN SINGLES is not limited to or directed specifically to single Jewish American individuals.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Admit that AmericanSingles.com caters to singles of all races, ethnicities and interests.

REQUEST FOR ADMISSION NO. 4:

That Spark's trademark upon which Spark relies and refers to in its Grounds for Opposition is in fact two words notwithstanding your pleadings as signed by counsel.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Admit that the trademark comprises of two words, "American" and "Singles".

REQUEST FOR ADMISSION NO. 5:

That APPLICANT's application for a trademark was in connection with the APPLICANT's logo; a stylized mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: As Responding party has never reviewed Applicant's application to the US Patent & Trademark Office, Responding party is without sufficient knowledge or

information to form a belief as to the truth of the Request and, on that basis, denies the Request.

REQUEST FOR ADMISSION NO. 6:

That attached hereto and made a part hereof as Exhibit A is a true copy of the information produced by the TARR system on January 28, 2006 and that the information contained therein is an accurate reflection and summary of the records referred to therein.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request seeks information exclusively available to Propounding party.

Subject to and without waiving the foregoing objections, Responding party responds as follows: As Responding party did not generate Exhibit A or review information produced by the TARR system on January 28, 2006, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

REQUEST FOR ADMISSION NO. 7:

That in fact a large number of domain names containing the words "American Singles" have been applied for and granted including those names contained on the attached list labeled Exhibit B.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this

requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Admit that several domain names have been registered which utilize the terms "American" and "Single" in various combinations.

REQUEST FOR ADMISSION NO. 8:

Kindly admit that Spark has no information with regard to any non-Jewish individuals who have applied for membership in JewishAmericanSingles.com but had confused JewishAmericanSingles.com with AmericanSingles.com.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this requests is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Responding party responds as follows: As Responding party does not require its users and members to disclosure their religious affiliations, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

REQUEST FOR ADMISSION NO. 9:

Kindly admit that Spark has no knowledge of anyone applying for membership in JewishAmericanSingles.com who was deceived into so doing in the belief that he or she was applying for membership in AmericanSingles.com

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is vague, ambiguous and unintelligible. Responding party further objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information equally available to the Propounding party. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Responding party responds as follows: As Responding party has not interviewed all members of JewishAmericanSingles.com and discovery continues, Responding party is without sufficient knowledge or information to form a belief as to the truth of the Request and, on that basis, denies the Request.

DATE: May 10, 2006

RICHARDSON & PATEL LLP

By: _____

Victor T. Fu

Attorneys Spark Networks plc

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES COUNTY

I reside in Los Angeles County in the State of California. I am over the age of 18. I am not a party to this action. My business address is 10900 Wilshire Blvd., Suite 500, Los Angeles, CA 90024.

On May 10, 2006, I served the foregoing documents described as: **SPARK NETWORKS PLC'S SUPPLEMENTAL RESPONSES AND OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S REQUEST TO ADMIT** on the interested parties in this action by:

 X placing **originals** of the document in sealed envelopes addressed to the individuals included on the service list, with prepaid postage, in the U.S. mail in Los Angeles, California.

JewishAmericanSingles.com, Inc.
P.O. Box 279
Birmingham, MI 48012-0279


I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after the date of deposit for mailing in affidavit.

 transmitting a true copy of the document via facsimile to the recipient's telecopier number as stated:

 placing true copies thereof in sealed envelope addressed as stated on the attached service list, then delivering said envelopes by hand to the addressee's office.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 10, 2006 in Los Angeles, California.


Holidae Crawford

EXHIBIT

16

Spark Networks plc v. JewishAmericanSingles.com

Opposition # 91165925

JewishAmericanSingles.com's Motion To Compel

May 31, 2006

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

In the matter of trademark application Serial No. 78460372

For the mark: "JewishAmericanSingles.com"

Filed on: August 2, 2004

Published in the Official Gazette on: July 5, 2005

Spark Networks plc

v.

JewishAmericanSingles.com, Inc.

SPARK NETWORKS PLC'S SUPPLEMENTAL RESPONSES AND
OBJECTIONS TO JEWISHAMERICANSINGLES.COM'S REQUEST FOR
PRODUCTION OF DOCUMENTS

Spark Networks plc ("Responding party") submits these supplemental responses to JewishAmericanSingles.com's ("Propounding party") Request for Production of Documents.

I.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

A. Preliminary Statement.

The following responses are based upon information and documents presently available and known by Responding party after diligent search and reasonable inquiry. Responding party's discovery, investigation, and preparation for trial have not yet been completed as of the date of these responses. Responding party expressly reserves the right to conduct further discovery and investigation for information, which if presently within his knowledge, would have been included in these responses. Responding party

specifically reserves the right to present additional information and documents as may be disclosed through his continuing discovery and investigation, and Responding party assumes no obligation to supplement or amend these responses to reflect information or documents discovered following the date of these responses.

These responses are neither intended as, nor shall in any way be deemed, an admission or representation that further information or documents relevant to the subject matter of the discovery requests do not exist. Furthermore, these responses are given without prejudice to Responding party's right to use or rely on at any time, including trial, subsequently discovered materials. Similarly, by responding to the categories herein, Responding party does not in any way admit possession of any additional responsive information or documents.

Specific objections to each discovery request are made on an individual basis in Responding party's responses below. In addition, Responding party makes certain general objections to the requests, which are set forth below. These general objections are hereby incorporated by reference into the response made with respect to each and every request. For particular emphasis, Responding party has, from time to time, included one or more of the general objections in the responses below. Responding party's response to each individual request is submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth in that response. Accordingly, the inclusion in any response below of any specific objection to a request is neither intended as, nor shall in any way be deemed, a waiver of any general objection or of any other specific objection made herein or that may be asserted at a later date. In addition, the failure to include at this time any general objection or specific objection to a

particular request is neither intended as, nor shall be in any way deemed, a waiver of Responding party's rights to assert that or any other objection at a later date.

To the extent that Responding party provides information pursuant to these requests, Responding party does not concede the relevancy of such information to this action, nor does he concede that such information must be used for any purpose in any other action, lawsuit, or proceeding. Responding party expressly reserves the right to object to further discovery into the subject matter of the requests.

Many requests are duplicative and call for the same, or a subset of, documents responsive to other requests. In such instances, responsive documents will be produced only once.

B. General Objections.

1. Responding party objects to Propounding party's requests on the ground that, and to the extent that, they purport to impose requirements upon Responding party beyond those authorized by Federal Rules of Civil Procedure and otherwise fail to comport with the requirements of those rules.

2. Responding party objects to the instructions and definitions to the extent that they fail to comply with the Federal Rules of Civil Procedure, or place undue burden on the Responding party.

3. Responding party objects to Propounding party's requests to the extent that they seek information obtainable from other sources that are more convenient and less burdensome or are equally available to Propounding party.

4. Responding party objects to Propounding party's requests to the extent they seek information or documents which are prepared, generated, or received in

anticipation of or after the commencement of this litigation and to the extent they seek information or documents which are subject to the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege, privacy right, or rule of confidentiality which precludes or limits production or disclosure of information.

Responding party reserves the right to request the return of any privileged or protected documents, which may be inadvertently produced to Propounding party. Inadvertent disclosure of such information or documents shall not constitute a waiver of any privilege, or any basis for objecting to discovery, or the right of Responding party to object to the use of any document or information inadvertently disclosed.

5. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they are overboard and unduly burdensome and calculated to vex, harass, or annoy.

6. Responding party objects to Propounding party's requests on the grounds that, and to the extent that, they seek information that is not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Responding party objects to these requests on the grounds that they seek private or confidential information, including such information pertaining to third parties.

Subject to the foregoing Preliminary Statement and General Objections,
Responding party responds as follows:

II. **RESPONSES**

REQUEST FOR PRODUCTION NO. 1:

ALL WRITINGS which were previously made by OPPOSING PARTY and communicated in any manner to any party CONCERNING OPPOSING PARTY's trademark application for the mark AMERICAN SINGLES as one word or two words.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is vague and ambiguous as to the phrase "any party". Responding party further objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall produce non-privileged documents responsive to this request.

REQUEST FOR PRODUCTION NO. 2:

ALL WRITINGS which were previously made by OPPOSING PARTY and communicated in any manner to any party CONCERNING APPLICANT's trademark application which is the subject matter of OPPOSING PARTY'S OPPOSITION.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is compound and conjunctive. Responding party further objects on the grounds that this request is vague and ambiguous as to the phrase "any party". Responding party further objects on the grounds that this request is overly broad and unduly burdensome

and oppressive. Responding party further objects on the grounds that this request seeks information protected by the attorney-client privilege and/or work product doctrine.

Subject to and without waiving the foregoing objections, Responding party responds as follows: All non-privileged documents responsive to this request have previously been served on Applicant (namely, letter dated March 15, 2005 and Notice of Opposition).

REQUEST FOR PRODUCTION NO. 3:

ALL WRITINGS CONCERNING the registration of the domain name www.AmericanSingles.com

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this request is overly broad and unduly burdensome and oppressive. Responding party further objects that this request seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Responding party further objects to this request as it seeks documents equally available to the propounding party. Responding party further objects on the grounds that the request seeks privileged documents and information, including, but not limited to trade secrets, confidential and proprietary financial information, attorney-client communications and attorney work product.

Subject to and without waiving the foregoing objections, Responding party responds as follows: Responding party shall produce non-privileged documents responsive to this request.

REQUEST FOR PRODUCTION NO. 4:

ALL WRITINGS CONCERNING the incorporation of the entity Spark Networks plc and any of its predecessors.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Responding party incorporates the Preliminary Statement and General Objections as though fully set forth herein. Responding party also objects on the grounds that this