



# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
GUCCI AMERICA, INC.	:
	:
Plaintiff,	:
	:
-against-	:
	:
FRONTLINE PROCESSING CORPORATION;	:
WOODFOREST NATIONAL BANK; DURANGO	:
MERCHANT SERVICES LLC d/b/a NATIONAL	:
BANKCARD SYSTEMS OF DURANGO; ABC	:
COMPANIES; and JOHN DOES,	:
	:
Defendants.	:
	:
-----X	

09 Civ. 6925 (HB)

**PLAINTIFF’S RESPONSES AND OBJECTIONS TO DEFENDANT  
WOODFOREST NATIONAL BANK’S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and Rule 33.3 of the Local Rules for the United States District Court for the Southern District of New York, Plaintiff Gucci America, Inc. (“Plaintiff” or “Gucci”) responds and objects to Defendant Woodforest National Bank’s (“Woodforest”) First Set of Interrogatories, dated January 11, 2010, as set forth below.

**GENERAL RESPONSES AND OBJECTIONS**

1. Plaintiff’s responses to Woodforest’s First Set of Interrogatories (the “Interrogatories”) are based on the documents, facts, and contentions presently known and available to it. Plaintiff has not completed its investigation of the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial in this matter. Further investigation, research, and analysis may disclose the existence of additional documents, facts or contentions, add meaning to known documents, facts or contentions, or possibly lead to



**SPECIFIC RESPONSES AND OBJECTIONS**

**INTERROGATORY NO. 1:**

Provide a calculation of all statutory damages under 15 U.S.C. § 1117(c) sought by Gucci from WNB, including a listing of each counterfeit mark and each type of goods or services sold, as used for the calculation.

**ANSWER TO INTERROGATORY NO. 1:**

Subject to its continuing and ongoing investigation, Plaintiff responds by identifying the six trademarks listed in Paragraph 25 of the Complaint, the registration certificates for which are attached as Exhibit 1 to the Complaint. Plaintiff further identifies the following two additional trademarks:

Mark	Reg./Serial No.	Date of Registration
GUCCI 	3,061,918	02/28/2006
INTERLOCKING FACING GG DESIGN 	1,158,170 1,300,373 1,464,522 3,376,129	06/23/1981 10/16/1984 11/10/1987 01/29/2008

Plaintiff will be able to provide a more accurate computation of damages at the completion of discovery concerning the extent of Defendants' infringement, including any additional counterfeiters whose sales Woodforest knowingly facilitated. Subject to its continuing and ongoing investigation, Plaintiff provides the following calculation of statutory damages under 15 U.S.C. § 1117(c), which is limited to the infringing items offered for sale on the website, [www.TheBagAddiction.com](http://www.TheBagAddiction.com) ("TheBagAddiction.com") and uses the statutory maximums in place prior to the October 13, 2008 amendments to the Lanham Act, which increased the maximum statutory damages amount to \$200,000 per counterfeit mark per type of

good under 15 U.S.C. § 1117(c)(1) and \$2,000,000 per counterfeit mark per type of good under 15 U.S.C. § 1117(c)(2):

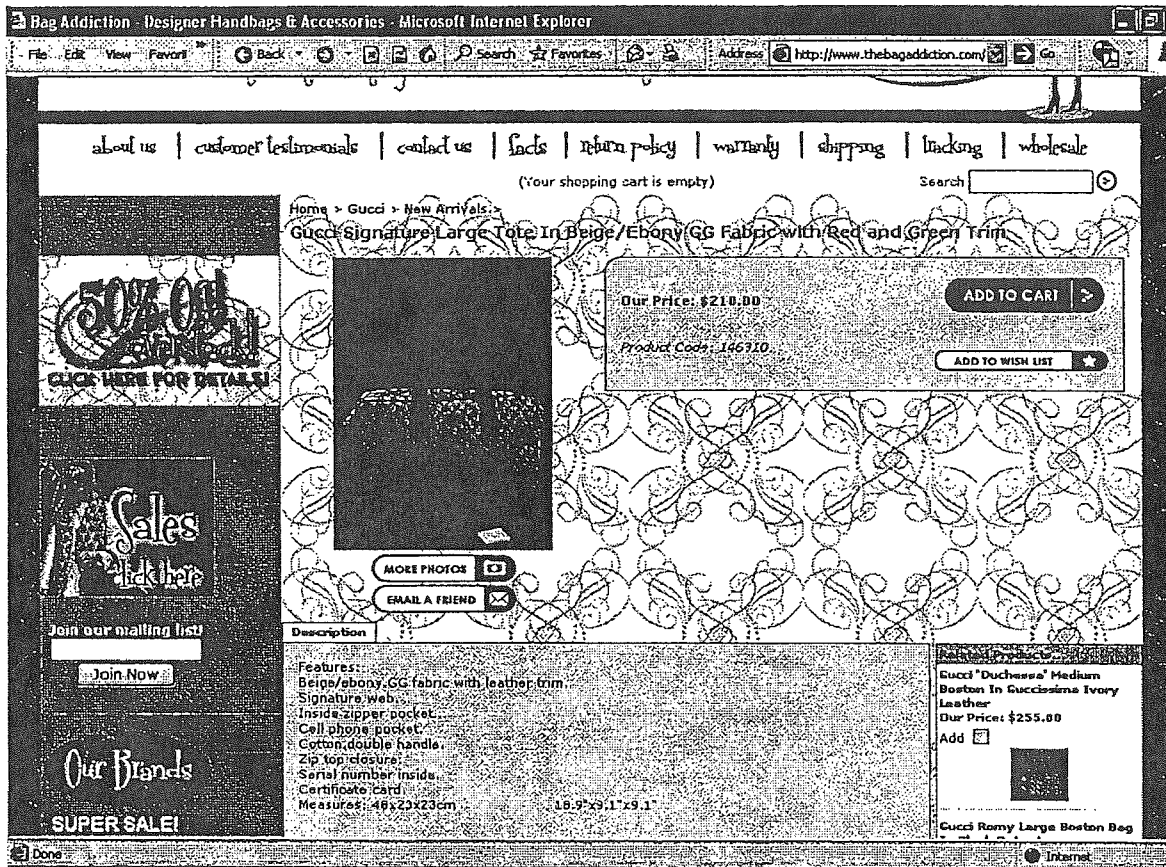
Statutory Damages Amount	Number of Marks Infringed	Number of Types of Goods	TOTAL DAMAGES
\$1,000,000	8	20	\$160,000,000
\$100,000	8	20	\$16,000,000

Types of goods: (1) totes; (2) satchels; (3) top handle bags; (4) shoulder bags; (5) hobos; (6) clutches; (7) evening bags; (8) exotic bags; (9) wristlets; (10) belt bags; (11) watches; (12) passport covers; (13) business card holders; (14) belts; (15) women's wallets; (16) men's wallets; (17) diaper bags; (18) sunglasses; (19) cosmetic pouches; and (20) messenger bags.

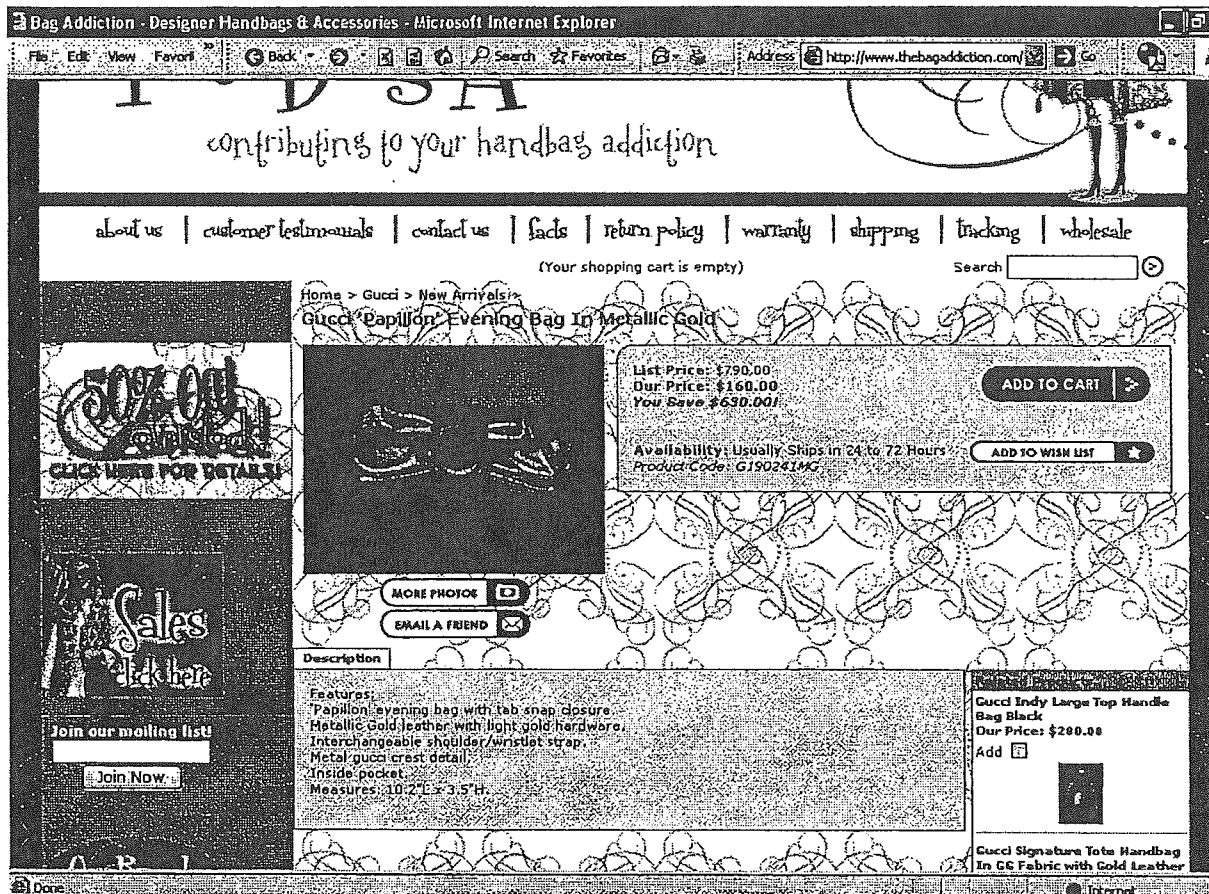
Although the damages listed above are calculated under the statutory damages provided by the earlier version of 15 U.S.C. 1117(c), the increased statutory damages would apply to any infringement in which Woodforest participated on or after October 13, 2008.

Plaintiff further responds by referring Woodforest to the Declaration of Michael F. Falsone (the "Falsone Declaration"), filed in the Laurette Litigation. In particular, Plaintiff refers Woodforest to Paragraphs 11-30 of the Falsone Declaration, which set forth screen shots from TheBagAddiction.com offering for sale each of the twenty types of goods referenced above and displaying counterfeit versions of various Gucci trademarks.

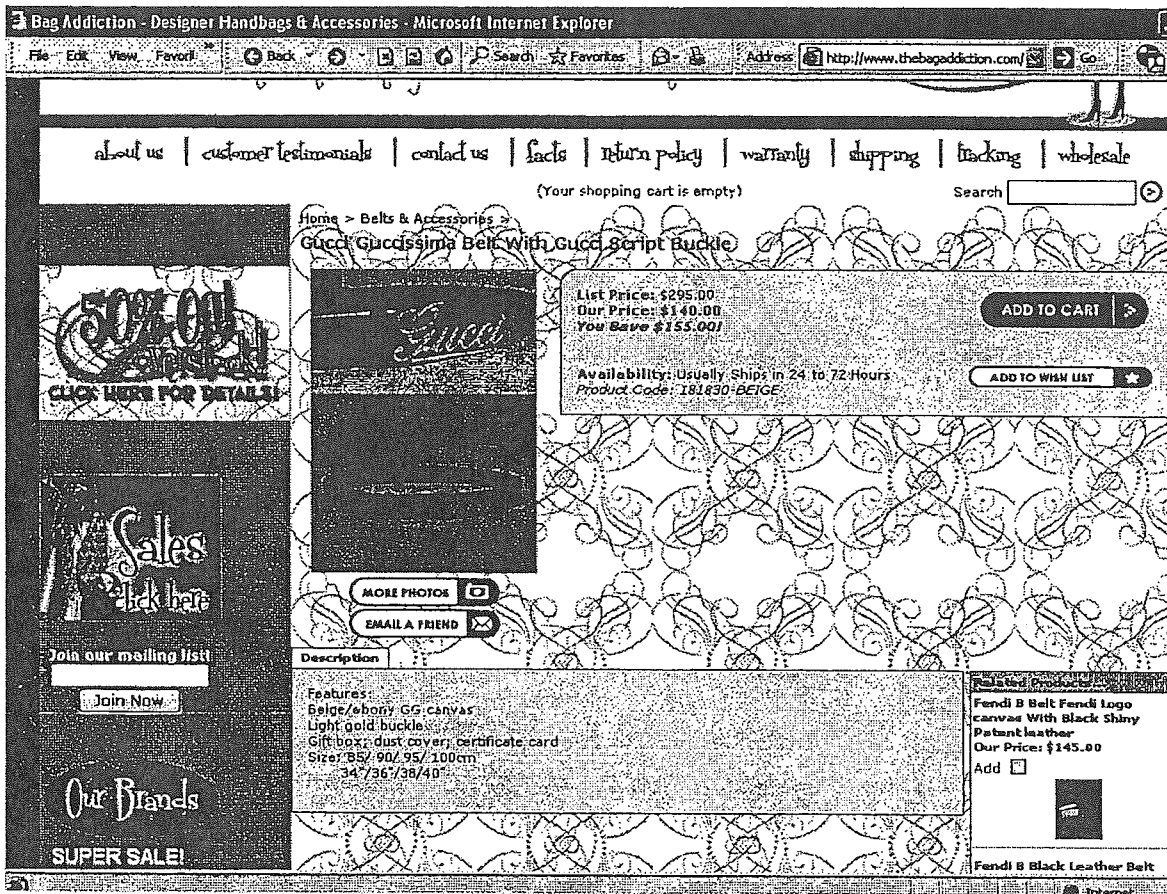
For example, set forth below is the screen shot that appears at Paragraph 11 of the Falsone Declaration, which shows a "Gucci" tote being offered for sale on TheBagAddiction.com that displays counterfeit versions of at least the following Gucci trademarks: (1) GUCCI trademark name (U.S. Reg. No. 876,292); (2) non-interlocking GG monogram (U.S. Reg. Nos. 1,107,311; 3,378,755); (3) green-red-green strip (U.S. Reg. No. 1,122,780); and (4) repeating GG design (U.S. Reg. No. 3,072,549).



Similarly, set forth below is the screen shot that appears at Paragraph 17 of the Falsone Declaration, which shows a “Gucci” evening bag being offered for sale on TheBagAddiction.com that displays counterfeit versions of at least the following Gucci trademarks: (1) GUCCI trademark name (U.S. Reg. No. 876,292); and (2) Gucci crest (U.S. Reg. No. 1,097, 483).

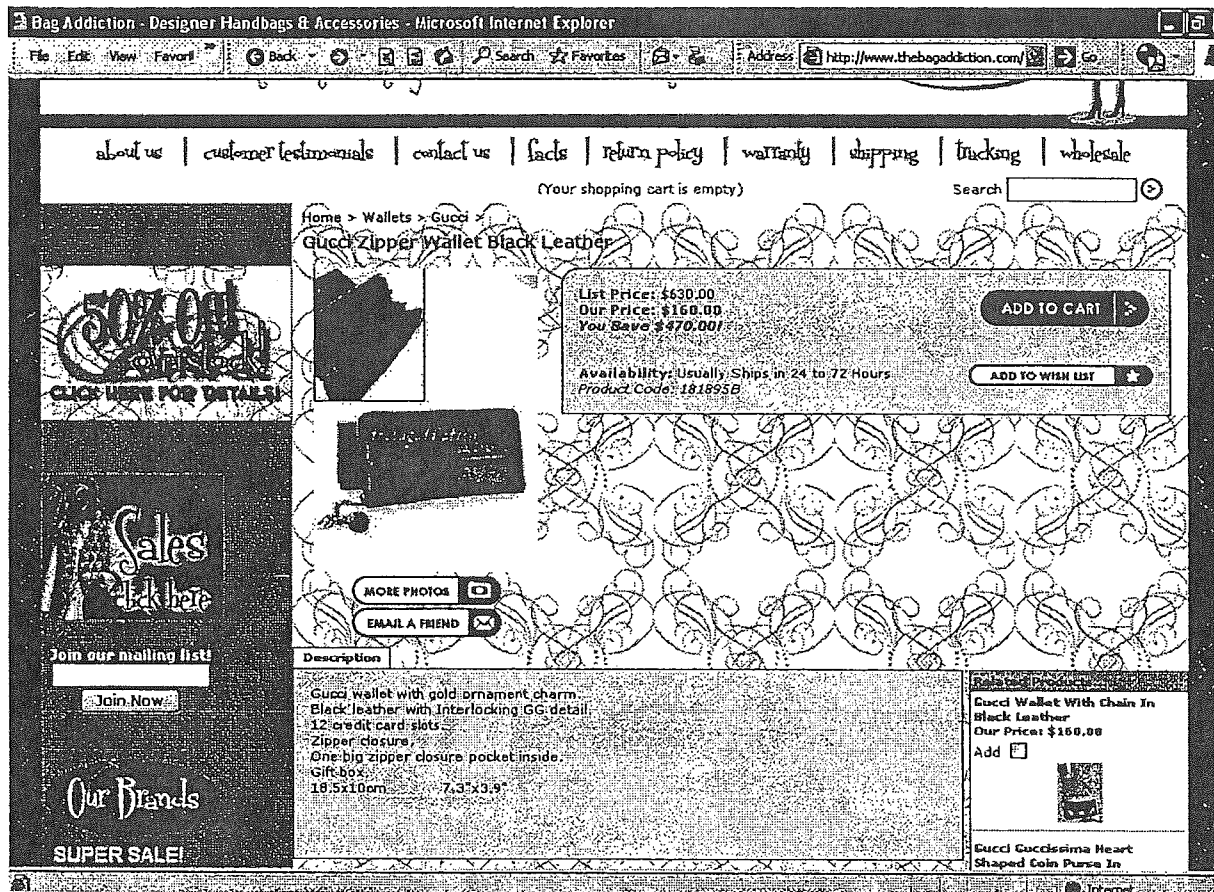


Likewise, set forth below is the screen shot that appears at Paragraph 24 of the Falsone Declaration, which shows a “Gucci” belt being offered for sale on TheBagAddiction.com that displays counterfeit versions of at least the following Gucci trademarks: (1) non-interlocking GG monogram (U.S. Reg. Nos. 1,106,722; 3,378,755); (2) repeating GG design (U.S. Reg. No. 3,072,549); and 3) GUCCI in stylized form (U.S. Reg. No. 3,061,918).



Additionally, set forth below is the screen shot that appears at Paragraph 25 of the Falsone Declaration, which shows a “Gucci” wallet being offered for sale on TheBagAddiction.com that displays counterfeit versions of at least the following Gucci trademarks: (1) non-interlocking GG monogram (U.S. Reg. Nos. 1,107,311; 3,378,755); (2) repeating GG design (U.S. Reg. No. 3,072,549); and (3) interlocking facing GG design (U.S. Reg. No. 3,376,129).





**INTERROGATORY NO. 2:**

Identify all persons having knowledge or information relevant to the actual steps taken by WNB in processing of credit card payments for sales by Laurette companies.

**ANSWER TO INTERROGATORY NO. 2:**

Plaintiff objects to this Interrogatory's request to identify "all persons" because it improperly seeks to require Plaintiff to marshal its evidence. Further, Plaintiff objects to this Interrogatory on the ground that it asks Plaintiff to identify persons "having knowledge or information" relevant to Woodforest's business practices, which is information that is more readily available from Woodforest than Plaintiff.

Subject to and without waiving the foregoing objections, Plaintiff states that it can identify the following individuals as having knowledge or information regarding Woodforest's

VERIFICATION

Sandro Risi, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury:

I am the Chief Financial Officer and Vice President of Gucci America, Inc. and make this declaration as an agent of Plaintiff Gucci America, Inc. I have reviewed the answers to the interrogatories set out in the foregoing Plaintiff's Responses and Objections to Defendant Woodforest National Bank's First Set of Interrogatories. They are true and correct to the best of my knowledge.

Dated:           New York, New York  
                  February 19, 2010

  
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SANDRO RISI