

ESTTA Tracking number: **ESTTA256755**

Filing date: **12/22/2008**

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

Proceeding	91185774
Party	Defendant CipherOptics, Inc.
Correspondence Address	Edwazrd W. Rilee MacCord Mason PLLC P.O. Box 2974 Greensboro, NC 27401 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Edward W. Rilee
Filer's e-mail	dcottelli@maccordmason.com
Signature	/edwardwilee/
Date	12/22/2008
Attachments	9148-001.pdf ( 3 pages )(78022 bytes )

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

Shavlik Technologies, LLC	)	Opposition No. 91/185,774
	)	
Opposer,	)	Mark: <b>SIMPLY SECURE</b>
	)	
v.	)	Serial No.: 77/284,706
	)	
CipherOptics, Inc.	)	Filing Date: September 20, 2007
	)	
Applicant.	)	Publication Date: June 10, 2008
	)	

**INITIAL DISCLOSURES**

Registrant, by and through its undersigned counsel, hereby submits its disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

The date for responding to the Discovery Requests originally served on Applicant on November 26, 2008 by Opposer were premature since the Initial Disclosures had not taken place and, therefore, are started from this date.

**A. Persons Likely to Have Discoverable Information**

<u>Name</u>	<u>Topic(s)</u>
-------------	-----------------

Ron Willis  
President and Chief Executive Officer  
701 Corporate Center Dr.  
Raleigh, NC 27607  
(919) 523-5585

Date of first sale of goods with mark  
Geographic area of marketing and sales of  
goods using mark  
Articles offered for sale with mark

Jim Doherty  
CMO - SVP WW Sales and Marketing  
701 Corporate Center Dr.  
Raleigh, NC 27607  
(919) 931-5585

Date of first sale of goods with mark  
Geographic area of marketing and sales of  
goods using mark  
Articles offered for sale with mark

**B. Documents That Support Claims or Defenses**

Documents in the possession or control of Applicant supporting its claims or defenses are located in Applicant's files in Raleigh, NC. Categories of documents include:

1. Records of Tradeshows attended by Applicant
2. Copies of Applicant's website
3. Correspondence with customers

**C. Preliminary Damage Computations**

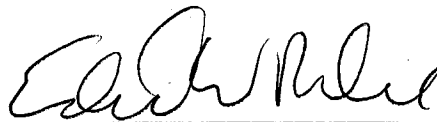
None.

**D. Insurance Agreements**

None.

This the 22<sup>th</sup> day of December, 2008.

Respectfully submitted,



Edward W. Rilee  
Registration No. 31,869  
MacCord Mason PLLC  
P.O. Box 2974  
Greensboro, NC 27402  
(336) 273-4422  
erilee@maccordmason.com  
Attorney for Registrant


**Certificate of Service**

The undersigned hereby certifies that he is an attorney at law licensed to practice in the State of North Carolina, is an attorney for APPLICANT and is a person of such age and discretion as to be competent to serve process.

That on the 22<sup>th</sup> day of December, 2008, he served a copy of the foregoing **INITIAL DISCLOSURES** by placing said copy in a postpaid envelope and addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail at Greensboro, North Carolina.

ADDRESSEE:

Heather J. Kliebenstein  
Merchant & Gould  
3200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402-2215

By:   
Edward W. Rilee  
Registration No. 31,869  
MacCord Mason PLLC  
P.O. Box 2974  
Greensboro, NC 27402  
(336) 273-4422  
erilee@maccordmason.com  
Attorney for Attorney for Applicant