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

| | |
|------------------------|---|
| Proceeding | 91194679 |
| Party | Defendant DeMarcus J. Freemon |
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| Submission | Other Motions/Papers |
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| Date | 08/29/2012 |
| Attachments | Applicant's_Pretrial_Disclosures.pdf (4 pages)(96956 bytes) |

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

In the matter of application Serial No. 77/514,179
Published in the *Official Gazette* on December 29, 2009

JOHN PHILLIPS AVLON,
an individual

Opposer,

v.

DEMARCUS FREEMON,
an individual

Applicant.

Opposition No. 91194679

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT’S PRETRIAL DISCLOSURES

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and 37 C.F.R. §2.121(e), Demarcus Freemon (“Applicant”) submits his Pretrial Disclosures to John Phillips Avlon (“Opposer”) as follows:

A. WITNESSES

The following list contains information about each witness Applicant will or may call during his testimony period along with a general summary of subjects on which each witness is expected to testify:

| Name and Contact Information | Relationship to Opposer or Applicant | Subjects |
|---|--------------------------------------|---|
| Demarcus Freemon Herbert T. Patty, Esq. 1625 The Alameda, Suite 508 San Jose, CA 95126 | Applicant | Mr. Freemon may be called to testify on some or all of the following: 1) The creation, selection, registration, and use of Applicant’s mark: |

| | | |
|---|----------------|--|
| | | <ol style="list-style-type: none"> 2) The services and/or products provided under the mark; 3) Dissimilarities between Applicant's mark and Opposer's mark 4) Dissimilarities between Applicant's mark and Opposer's services and/or products 5) Applicant and his business activities |
| <p>John Phillips Avlon c/o K&L Gates LLP 70 W. Madison St. Suite 3100 Chicago, Illinois 60602</p> | <p>Opposer</p> | <p>Mr. Avlon may be called to testify on:</p> <ol style="list-style-type: none"> 1) The services and/or products provided under Opposer's mark; 2) Sale, promotion, distribution and channels of trade of services and/or products sold or offered under Opposer's mark throughout the United States; 3) Alleged instances of confusion between Applicant and Opposer's mark 4) Sales, vendors, and other information of Opposer's book "Independent Nation: How Centrists Can Change:..."; 5) Any and all activity (e.g. commercial, blogging) on Opposer's website, www.independentnation.org; 6) Relationship with Toast forums and Headrush Media; 7) Reasons for Opposer's delay in filing his trademark applications |

B. DOCUMENTS AND THINGS

The following list contains a general summary of documents and things that Applicant may introduce as exhibits during its witness(es)' trial testimony:

1. Marketing, promotional, advertising and other business materials depicting Opposer's mark.
2. Documents relating to sales and public dissemination of services and/or products under Opposer's mark.
3. Third party materials referencing Opposer's mark.
4. Documents relating to Applicant's trademark registration and applications.
5. Documents relating to Opposer's trademark registration and applications.
6. Documents relating to the creation, selection, history and use of Applicant's mark.
7. Documents relating to the creation, selection, history and use of Opposer's mark.
8. Documents relating to the instant dispute between Applicant and Opposer.
9. All discovery responses submitted in this proceeding.

Opposer reserves its right to supplement and/or amend these Pretrial Disclosures as appropriate.

DATED this 29th day of August, 2012

Respectfully submitted,

DEMARCUS FREEMON

By: /Herbert T. Patty/
His Attorney

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the foregoing *Applicant's Pretrial Disclosures* was served this 29th day of August, 2012 by electronic mail to counsel for the Opposer:

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