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

Proceeding	91196469
Party	Defendant Blain Supply, Inc.
Correspondence Address	NANCY B JOHNSON BRENNAN STEIL SC ONE EAST MILWAUKEE STREET JANESVILLE, WI 53545 UNITED STATES njohnson@brennansteil.com
Submission	Defendant's Notice of Reliance
Filer's Name	Nancy B. Johnson
Filer's e-mail	njohnson@brennansteil.com
Signature	/Nancy B. Johnson/
Date	10/15/2012
Attachments	Applicant's Notice of Reliance No. 1 (00512728).PDF ( 12 pages )(466255 bytes )

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

FARM FLEET SUPPLIES, INC.,	)	Opposition No. 91196469,
	)	
Opposer,	)	Marks: BLAIN'S FARM & FLEET
	)	FARM & FLEET
	)	
v.	)	
	)	App. No.: 77894710, 77894766
BLAIN SUPPLY, INC.,	)	and 77894812
	)	
Applicant.	)	

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**NOTICE OF RELIANCE NO. 1**

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Pursuant to 37 CFR §2.120(j) and TBMP 704.10, Applicant, Blain Supply, Inc., hereby makes of record in connection with this proceeding the following Interrogatories and Requests for Admissions of Applicant and Responses of Opposer thereto:

1. Applicant's Interrogatory No. 9 and Opposer's Response to Interrogatory No. 9;
2. Applicant's Request for Admission No. 65 and Opposer's Response to Request for Admission No. 65;
3. Applicant's Request for Admission No. 66 and Opposer's Response to Request for Admission No. 66;
4. Applicant's Request for Admission No. 67 and Opposer's Response to Request for Admission No. 67; and
5. Applicant's Request for Admission No. 69 and Opposer's Response to Request for Admission No. 69.

Interrogatories and Requests for Admission and any Response thereto that are not being relied on by Applicant have been redacted from the respective documents.

Dated this 15th day of October, 2012.

**BRENNAN ■ STEIL** SC

By: /Nancy B. Johnson/  
Nancy B. Johnson [1022985]  
Attorneys for Applicant/Defendant

**MAILING ADDRESS:**

One East Milwaukee Street

P.O. Box 1148

Janesville, WI 53547-1148

Tel: (608) 756-4141

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00512710.DOC

CERTIFICATE OF FILING AND SERVICE

I hereby certify that a copy of the foregoing Notice of Reliance No. 1 were filed via ESTTA and served upon Opposer by mailing said copies on October 15, 2012 via first class mail, postage prepaid, in an envelope addressed as follows:

Eric O. Haugen  
HAUGEN LAW FIRM PLLP  
121 South Eighth Street  
1130 TCF Tower  
Minneapolis, MN 55402

this 15<sup>th</sup> day of October.

*/ Nancy B. Johnson/*

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Nancy B. Johnson

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

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Farm Fleet Supplies, Inc.,

Opposer,

Opposition No. 91196469

vs.

Ser. Nos. 77/894710; 77/894766 and 77/894812

Blain Supply, Inc.,

Applicant.

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**OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF INTERROGATORIES**  
**(NOS. 9 AND 10)**

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COMES NOW Opposer Farm and Fleet Supplies, Inc. ("Farm Fleet Supplies") and pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 407 of the Trademark Trial and Appeal Board Manual of Procedure, provides its answers and objections to Applicant's Second Set of Interrogatories.

**I. PRELIMINARY STATEMENT, RESERVATION OF RIGHTS  
AND CONTINUING GENERAL OBJECTIONS**

1. Opposer objects to the definition of "identify" with respect to a person as overly broad and unduly burdensome. Opposer will provide certain identifying information within its possession for persons in the first interrogatory in which a person is identified.

2. Opposer objects to the definition of "identify" with respect to documents as overly broad and burdensome. Opposer will produce responsive documents as part of its responses to Applicant's Third Set of Requests for Production of Documents and Things.

3. Opposer objects to Applicant's discovery requests to the extent that they purport to create duties that are not imposed by the Federal Rules of Civil Procedure or the Trademark Trial and Appeal Board.

4. As discovery is ongoing, Opposer has gathered certain information which appears to be related to Applicant's requests but has not necessarily completed its investigations. Accordingly, these responses and may require refinement and supplementation as discovery continues.

5. Opposer reserves the right to produce evidence of any subsequently discovered fact or facts or to alter, amend or supplement its objections and responses set forth herein and otherwise to assert factual and legal contentions as additional facts are ascertained.

6. Opposer objects to each discovery request insofar as it might be construed as limited or restricting Opposer's right to rely on any information and/or document for any purpose whatsoever, including, but not limited to, the use of responsive information and/or documents as evidence at any subsequent hearing or other proceeding.

7. Nothing contained herein shall be construed as an admission by Opposer relative to the existence or non-existence of any information and/or document, and no response shall be construed as an admission respecting the relevance or admissibility of any information and/or document, or the truth or accuracy of any statement or characterization contained in any discovery request.

8. Opposer objects to providing or disclosing any information protected by the attorney-client privilege, as well as confidential business and/or Opposer information to the extent that such confidential business information is not covered by the protective order at issue in this matter.

9. Opposer hereby incorporates all responses to all interrogatories and all other discovery requests of any sort, and deposition/testimonial deposition transcripts in all other actions or proceedings involving issues present in the instant matter, and to the extent such discovery requests are relevant to the information requested in these interrogatories and other discovery requests, they are hereby incorporated in their entirety. Applicant specifically notes that all such documents and responses, including transcripts, may be and in some cases will be utilized for all purposes. All such documents and transcripts, already in Applicant's possession, shall be considered to have been produced as part of these responses.

### **RESPONSES TO INTERROGATORIES**

Interrogatory No. 9: Identify the officers and directors of Farm Fleet Supplies, Inc.

Response to Interrogatory No. 9: Paula Norby (President, Secretary, and Director); Gregory Norby (Vice President, Treasurer, and Director); and Constance Norby (Director).

**REDACTED**

**REDACTED**

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'E. Haugen', written over a horizontal line.

Date: January 23, 2012

Eric O. Haugen  
HAUGEN LAW FIRM PLLP  
121 South Eighth Street  
1130 TCF Tower  
Minneapolis, MN 55402  
(612) 339-8300 – Phone

Attorney for Opposer,  
Farm Fleet Supplies, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF INTERROGATORIES (NOS. 9 AND 10) was served upon Blain Supply, Inc.'s attorney at their address of record by first class mail postage prepaid.

Respectfully Submitted,



Date: January 23, 2012

Eric O. Haugen  
HAUGEN LAW FIRM PLLP  
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1130 TCF Tower  
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(612) 339-8300 – Phone

Attorney for Opposer,  
Farm Fleet Supplies, Inc.

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TRADEMARK OFFICE BEFORE THE TRADEMARK  
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Farm Fleet Supplies, Inc.,

Opposer,

Opposition No. 91196469

vs.

Ser. Nos. 77/894710; 77/894766 and 77/894812

Blain Supply, Inc.,

Applicant.

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**OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF REQUESTS FOR  
ADMISSONS (NOS. 65-75)**

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COMES NOW Opposer Farm and Fleet Supplies, Inc. and pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rule 407 of the Trademark Trial and Appeal Board Manual of Procedure, and provides its answers and objections to Applicant's Second Set of Requests for Admissions.

**I. PRELIMINARY STATEMENT, RESERVATION OF RIGHTS  
AND CONTINUING GENERAL OBJECTIONS**

Opposer hereby reasserts all objections contained in its earlier served Opposer's Responses to Applicant's Second Set of Interrogatories (Nos. 9 and 10). In the spirit of efficiency, those objections are to be considered as being incorporated by reference, and will not be repeated here.

Subject to and without waiving any of the foregoing objections, Opposer hereby provides these responses to Applicant's Second of Requests for Admissions.

**RESPONSES TO REQUESTS FOR ADMISSIONS**

Request No. 65: Farm Fleet Supplies, Inc. owns one retail store located in Manchester, Iowa.

Response to Request No. 65: Admitted.

Request No. 66: Farm Fleet Supplies, Inc. owns no other retail stores other than the one located in Manchester, Iowa.

Response to Request No. 66: Admitted.

Request No. 67: Farm Fleet Supplies, Inc. has only owned one retail store since it was formed in 1962.

Response to Request No. 67: Admitted.

**REDACTED**

Request No. 69: Farm Fleet Supplies, Inc. does not own a website.

Response to Request No. 69: Admitted.

**REDACTED**

**REDACTED**

**REDACTED**

Respectfully Submitted,



Eric O. Haugen  
HAUGEN LAW FIRM PLLP  
121 South Eighth Street  
1130 TCF Tower  
Minneapolis, MN 55402  
(612) 339-8300 – Phone

Date: January 23, 2012

Attorney for Opposer,  
Farm Fleet Supplies, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing OPPOSER'S RESPONSES TO APPLICANT'S SECOND SET OF INTERROGATORIES (NOS. 9 AND 10) was served upon Blain Supply, Inc.'s attorney at their address of record by first class mail postage prepaid.

Respectfully Submitted,

Date: January 23, 2012

  
Eric O. Haugen  
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1130 TCF Tower  
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(612) 339-8300 – Phone

Attorney for Opposer,  
Farm Fleet Supplies, Inc.