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

Proceeding	91197754
Party	Plaintiff Wolf-Peter Graeser
Correspondence Address	SARAH E TALLENT REINHARDT LLP 44 WALL STREET, 10TH FLOOR NEW YORK, NY 10005 UNITED STATES stallent@reinhardt-law.com
Submission	Motion to Compel Discovery
Filer's Name	Sarah E. Tallent, Esq.
Filer's e-mail	stallent@reinhardt-law.com
Signature	/Sarah/Tallent/
Date	08/02/2011
Attachments	08.02.2011_Motion to Compel.pdf (29 pages)(1000011 bytes)

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

In the matter of trademark application Serial No.: 76701998

For the mark: LAVATEC
Published in the Official Gazette on November 2, 2010

Mr. Wolf-Peter Graeser, the "Opposer",	)	
v.	)	Opposition No.: 91197754
Lavatec, Inc. the "Applicant"	)	

MOTION TO COMPEL INITIAL DISCLOSURE AND FOR PROTECTIVE ORDER

Opposer requests the Board to issue an Order compelling the Applicant to serve more detailed Initial Disclosures and a Protective Order declaring that Opposer shall not be required to respond to Applicants' First and Second Set of Interrogatories to Opposer (Exhibits 1 and 2) and Applicant's First Set of Document Request to Opposer (Exhibit 3) and Applicant's First Set of Requests for Admission (Exhibit 4), pursuant to Fed. R. Civ. P. 26(a)(1) and 37 C.F.R. §2.120. In support of this motion, Opposer shows the Board as follows:

1. On May 17, 2011, Lavatec, Inc., the then Applicant served its Initial Disclosure (Exhibit 5) to Opposer by electronic transmission. Electronic transmission had previously been agreed to by the parties.

2. Applicant's Initial Disclosure is deficient since it lacks the required level of specificity.

3. Prior to the date hereof, Opposer notified Atty. Linderman in at least two separate written communications (Exhibits 6 and 7) that Opposer's Initial Disclosure was deficient. Opposer's counsel made a good faith attempt to resolve this along with other simple procedural discovery issues. Opposer was prepared to be flexible in order to avoid unnecessary over-lawyering in this matter and would have gladly allowed Applicant an extension of time to cure the above-mentioned deficiency.

4. Rather than cooperating, Applicant chose to file an unnecessary and retaliatory Motion to Compel disclosure by Opposer, completely ignoring the fact that Applicant's deficient Initial Disclosures make Applicant ineligible to seek discovery through traditional devices.

5. The Board "*requires more specificity than the exceedingly general categories of documents respondent disclosed, as the Rule specifically requires that the parties disclose documents relating to their respective claims or defenses*" and "*initial disclosures must reflect [a party's] plans for defending the action at trial*" (See In-N-Out Burger, Inc. v. BB&R Spirits Ltd. (T.T.A.B. July 21, 2008)).

6. Applicant's Initial Disclosure is limited to extremely generic categories of documents and does not comply with the requirements of the Board under Fed. R. Civ. P. 26(a)(1).

7. In addition, Applicant's Initial Disclosure fails to provide the location of any of the Documents and Things listed in the Initial Disclosure and, therefore, does not comply with the requirements of the Board under Fed. R. Civ. P. 26(a)(1).

8. Under 37 CFR § 2.120(a)(3), a party may not seek discovery through traditional devices until after it has made its initial disclosures (See Amazon Technologies, Inc. v. Jeffrey S. Max, 93 USPQ2d 1702 (TTAB 2009)). In this case, Applicant's Initial Disclosure is deficient and, therefore, cannot be deemed to have been made. Consequently, Opposer cannot be required to respond to Applicants First

and Second Sets of Interrogatories and First Set of Document Requests and Applicant's First Set of Requests for Admission.

RELIEF REQUESTED

In view of Applicant's deficient Initial Disclosure, Opposer seeks an order compelling Applicant to serve more detailed Initial Disclosures. Opposer also seeks a protective order declaring that Opposer is not required to respond to Applicants First and Second Sets of Interrogatories and First Set of Document Requests and Applicant's First Set of Requests for Admission until 30-days after Applicant has served Initial Disclosures that comply with Fed. R. Civ. P. 26(a)(1).

Dated: New York, New York

August 2, 2011

Respectfully submitted.

/s/ Andrea Fiocchi
Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
44 Wall Street, 10th Fl
New York, NY 10005
(212) 710-0970

Attorneys for Opposer,
Wolf-Peter Graeser

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Initial Disclosure for Protective Order was served on Applicant at the correspondence address of record by email addressed to:

lind@ip-lawyers.com

On August 2, 2011 By: /s/ Sarah E. Tallent

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

In the matter of Trademark Application No. 76701998
for the mark: LAVATEC
Published on November 2, 2010

Wolf-Peter Graeser, Opposer v. Lavatec, Inc. Applicant	Opposition No. 91197754

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Pursuant to F.R.Civ.P. 33 and 37 C.F.R. §2.120(d), Applicant, Lavatec, Inc., sets forth below its First Set of Interrogatories, and requests that Opposer, Wolf-Peter Graeser, answer the following interrogatories separately and fully, in writing, under oath.

Instructions

1. With respect to the answer to each interrogatory or subpart thereof, identify the source of the information given therein, including, without limitation, the nature, designation, and location of any files that contain such information and the custodian of the files, and identify each document which supports in whole or in part the answer to each interrogatory.

2. Where an identified document is in a language other than English, in whole or in part, and an English translation(s) exists in whole or in part, supply the original and the English translation of the document. If such a translation exists but

EXHIBIT 1

is not in control of the Opposer, supply the name and address of the person or entity who has possession of the translation.

3. If a request is made for production of documents which are no longer in the possession, custody and/or control of the Opposer, state when such documents were most recently in the possession, custody and/or control of the Opposer and what dispositions were made of them, when, why, and by whom, and include the identity of the person believed to be presently in possession, custody and/or control of the documents. If a document has been destroyed, state when such document was destroyed, identify the person who destroyed the document, and the person(s) who directed that the document be destroyed and the reasons the document was destroyed.

4. If you elect to avail yourself of the procedure for answering interrogatories authorized by Rule 33(d) of the Federal Rules of Civil Procedure, for each interrogatory and subpart thereof, specify the particular documents responsive to that specific interrogatory and subpart thereof and, for each document, specify the location or source of the document, the author, recipients, and the date of preparation if not apparent from the face of the document.

5. As to each record or document from which you obtained information used in answering these Interrogatories, please state:

a. A description sufficient for a subpoena duces tecum; and

b. The name and most recent available address and telephone number of each person and entity having custody of the original and any copy thereof.

6. Any Interrogatory or Request propounded in the disjunctive shall be construed to include the conjunctive and vice versa.

7. Any Interrogatory or Request propounded in the masculine shall be construed to include the feminine and neuter.

8. The use of the singular form of any word shall be construed to include the plural and vice versa.

9. Each Interrogatory or Request which seeks information relating in any way to communications to, from, or within a business and/or corporate entity concerning particular subject matter should be construed to include all communications by and between representatives, employees, agents and/or servants of the business or corporate entity concerning that subject matter.

10. A draft or non-identical copy of a "document" constitutes a separate document and should be separately identified in a response to an Interrogatory or Request inquiring into documents.

11. "To identify" (with respect to persons) means to give, to the extent known, (a) the person's full name; (b) present or last known address; and (c) when referring to a natural person, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

12. "To identify" (with respect to documents) means to give, to the extent known, (a) the type of document; (b) general subject matter; (c) date of the document; (d) author(s), addressee(s), recipient(s) of the document; and (e) English translations thereof if the document is a non-English document.

13. "To identify" (with respect to acts) means to state how, when, and where the acts took place, and to identify the person(s) involved and all documents relating to and confirming the acts.

14. Responses to Interrogatories seeking the identity of documents should include the custodian of the documents.

15. When an Interrogatory calls upon a party to "state the basis" of or for a particular claim, assertion, allegation, contention, or other response, the party shall

a. identify with particularity each and every document (and, where pertinent, the section, article, or paragraph thereof), which forms any part of the source of the party's information regarding the alleged facts or legal conclusion referred to by the Interrogatory;

b. identify with particularity each and every communication which forms any part of the source of the party's information regarding the alleged facts or legal conclusions referred to by the Interrogatory;

c. state separately the acts or omissions to act on the part of any person (identifying the acts or omissions to act by stating their nature, time, and place and identifying the person(s) involved) which form any part of the party's

information regarding the alleged facts or legal conclusions referred to in the Interrogatory; and

d. state separately any other fact which forms the basis of the party's information regarding the alleged facts or conclusions referred to in the Interrogatory.

16. All Interrogatories and Requests propounded shall be deemed continuing and as such require supplementary answers if further or different information is learned after the filing of answers.

17. For each claim of privilege in connection with the withholding of a document, please identify each document by date, authors, recipients, the type of document (letter, memo, drawing, chart or e-mail), the general subject matter in sufficient detail to ascertain whether the document qualifies for withholding as privileged, and the custodian of the document.

Definitions

As used herein, the term(s):

1. "Document" or "record" is used in its broadest sense to mean every writing or recording of every type described in Rule 34 of the Federal Rules of Civil Procedure, and any written, typed, printed, recorded or graphic matter, however produced or reproduced, of any kind and description, whether sent, received, or neither, and all copies which differ in any way from the original (whether by interlineations, stamped received, notation, indication of copy sent or received, or

otherwise) regardless of whether designated confidential, privileged or otherwise, and whether an original, master, duplicate or copy, including, but not limited to, papers, notes, account statements or summaries, ledgers, pamphlets, periodicals, books, advertisements, objects, letters, memoranda, notes or notations of conversations, contracts, agreements, drawings, telegraphs, tape recordings, communications, including interoffice and intra-office memoranda, delivery tickets, bills of lading, invoices, quotations, claims documents, reports, records, studies, work sheets, working papers, corporate records, minutes of meetings, circulars, bulletins, notebooks, bank deposit slips, bank checks, canceled checks, check stubs, diaries, diary entries, appointment books, desk calendars, data processing cards, discs, CDs, and/or tapes, e-mails, facsimiles, computer readable database information, photographs, videotapes, transcriptions or sound recordings of any type of personal or telephone conversations, interviews, negotiations, meetings or conferences, or any other records similar to any of the foregoing.

2. "Things" shall have the meaning prescribed by Rule 34 of the Federal Rules of Civil Procedure.

3. "Person" refers to any natural person or any business, legal or government entity, or association.

4. "Concerning" means relating to, referring to, describing, evidencing, or constituting.

5. "Communication" means any words heard, spoken, written or read, regardless of whether designated confidential, privileged or otherwise, and including,

without limitation words spoken or heard at any meeting, discussion, interview, encounter, conference, speech, conversation or other similar occurrence, and words written or read from any document(s) as described above.

6. "Date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation thereof (including dating by relationship to other events).

7. "Explaining," "describing," "defining," "concerning," "reflecting" or "relating to" when used separately or in conjunction with one another mean directly or indirectly mentioning, pertaining to, involving, being connected with or embodying in any way or to any degree the stated subject matter.

8. "Exhibit" means, unless otherwise indicated, all documentary, tangible or other similar things as defined above of any kind or character, within or outside the plaintiff's possession, custody or control which will be used at trial to prove any claims.

9. "And" and "or" as used in this set of Interrogatories are not intended as words of limitation. Any verb in the present tense shall also be taken in the past, imperfect and future tenses, and vice-versa.

10. "Opposer" means Wolf-Peter Graeser, unless otherwise indicated.

11. "Applicant" means Lavatec, Inc., the applicant in this Opposition, including all present or former directors, partners, officers, employees, and any attorney or third party acting on Applicant's behalf.

12. Lavatec GmbH refers to a German company and its predecessor Lavatec AG.

13. The "'998 Application" refers to Applicant's Trademark Application Serial No. 76/701,998 filed March 11, 2010 seeking registration of the mark LAVATEC in non-stylized form for the goods and/or services identified therein.

14. The "'139 Application" refers to Opposer's Trademark Application No.85/138,139 filed September 24, 2010 seeking registration of the mark LAVATEC in non-stylized form for the goods and/or services identified therein.

15. Lavatec Laundry Technology Inc. refers to the Connecticut corporation having a place of business at 49 Lancaster Drive, Beacon Falls, CT 06403, including all present or former directors, partners, officers, employees, parent and subsidiary corporations, predecessors, and any attorney or third party acting on Applicant's behalf

16. All other words, terms and phrases are to be given their normal meaning.

INTERROGATORIES

1. State the basis for the allegation in the Notice of Opposition that Lavatec GmbH (f/k/a Lavatec AG) is Opposer's predecessor in interest.

2. Identify all assets of Lavatec, Inc. acquired or otherwise obtained by Opposer from Lavatec GmbH, or any other entity, and the circumstances surrounding the acquisition, including the date of acquisition.

3. State how Opposer and Lavatec GmbH have been engaged in the commercial laundry business in the United States since 1986, as alleged in Par. 1 of the Notice of Opposition.

4. State how Opposer and Lavatec GmbH used the mark LAVATEC in connection with advertising, marketing, sales, and services in the United States, as alleged in Par. 2 of the Notice of Opposition.

5. Explain how Opposer and Lavatec GmbH made it possible for the mark LAVATEC to acquire substantial customer recognition throughout the United States, as alleged in Par. 5 of the Notice of Opposition.

6. Identify Opposer's sales office referred to in Par. 23 of the Notice of Opposition, and opposer's relationship with the office.

7. Explain Opposer's relationship, if any, with Lavatec Laundry Technology Inc., including any ownership, financial, managerial, and licensing relationships.

Respectfully

LAVATEC, INC.

By s/ John C. Linderman

John C. Linderman
Richard J. Twilley
McCormick, Paulding & Huber LLP
185 Asylum Street, CityPlace II
Hartford, CT 06103-3410
Ph. 860 549-5290
lind@ip-lawyers.com
twilley@ip-lawyers.com
Attorneys for Applicant

CERTIFICATE SERVICE

The undersigned hereby certifies that a copy of the foregoing

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

was sent by electronic mail and served by First Class United States Mail, postage pre-paid, this 17th day of June, 2011, to the following counsel of record:

Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
Reinhardt LLP
44 Wall Street, 10th Floor
New York, NY 10005

By s/John C. Linderman
John C. Linderman

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

In the matter of Trademark Application No. 76701998
for the mark: LAVATEC
Published on November 2, 2010

Wolf-Peter Graeser, Opposer v. Lavatec, Inc. Applicant	Opposition No. 91197754

APPLICANT'S SECOND SET OF INTERROGATORIES TO OPPOSER

Pursuant to F.R.Civ.P. 33 and 37 C.F.R. §2.120(d), Applicant, Lavatec, Inc., sets forth below its Second Set of Interrogatories, and requests that Opposer, Wolf-Peter Graeser, answer the following interrogatories separately and fully, in writing, under oath.

INSTRUCTIONS AND DEFINITIONS

The Instructions and Definitions in Applicant's First Set of Interrogatories to Opposer also apply to Applicant's Second Set of Interrogatories to Opposer, and are incorporated herein by reference.

INTERROGATORIES

8. If Opposer denied, in full or in part, any of the Requests For Admission, served on June 17, 2011, please explain the denials.

EXHIBIT 2

Respectfully

LAVATEC, INC.

By s/ Richard J. Twilley
John C. Linderman
Richard J. Twilley
McCormick, Paulding & Huber LLP
185 Asylum Street, CityPlace II
Hartford, CT 06103-3410
Ph. 860 549-5290
lind@ip-lawyers.com
twilley@ip-lawyers.com
Attorneys for Applicant

CERTIFICATE SERVICE

The undersigned hereby certifies that a copy of the foregoing

APPLICANT'S SECOND SET OF INTERROGATORIES TO OPPOSER

was sent by electronic mail and served by First Class United States Mail, postage pre-paid, this 22nd day of June, 2011, to the following counsel of record:

Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
Reinhardt LLP
44 Wall Street, 10th Floor
New York, NY 10005

By s/Richard J. Twilley
Richard J. Twilley

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

In the matter of Trademark Application No. 76701998
for the mark: LAVATEC
Published on November 2, 2010

Wolf-Peter Graeser, Opposer v. Lavatec, Inc. Applicant	Opposition No. 91197754

APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER

Pursuant to F.R.Civ.P. 34 and 37 C.F.R. §2.120(d), Applicant, Lavatec, Inc., sets forth below its First Set of Interrogatories, and requests that Opposer, Wolf-Peter Graeser, answer the following interrogatories separately and fully, in writing, under oath.

Instructions and Defintions

The Instructions and Definitions in Applicant's First Set of Interrogatories to Opposer also apply to Applicant's First Set of Document Requests and are incorporated herein by reference.

DOCUMENT REQUESTS

1. All documents supporting Opposer' s allegations in the Notice of Opposition that Lavatec GmbH (f/k/a Lavatec AG) is Opposer's predecessor in interest.

2. All documents identifying any assets of Lavatec, Inc. acquired or otherwise obtained by Opposer.

EXHIBIT 3

3. Documents indicating Opposer or Lavatec GmbH have made contact with customers in the United States in connection with a commercial laundry business since 1986, including any sales or service of commercial laundry equipment.

4. All documents indicating that the mark LAVATEC as used in the United States was sold to Opposer as alleged in Par. 5 of the Notice of Opposition.

5. Documents indicating that the mark LAVATEC has been identified with Opposer or Lavatec GmbH in the United States as alleged in Par. 3 of the Notice of Opposition.

6. Documents reflecting first use of the mark LAVATEC by Lavatec GmbH or its German subsidiaries in the United States.

Respectfully

LAVATEC, INC.

By s/ John C. Linderman

John C. Linderman
Richard J. Twilley
McCormick, Paulding & Huber LLP
185 Asylum Street, CityPlace II
Hartford, CT 06103-3410
Ph. 860 549-5290
lind@ip-lawyers.com
twilley@ip-lawyers.com
Attorneys for Applicant

CERTIFICATE SERVICE

The undersigned hereby certifies that a copy of the foregoing

APPLICANT'S FIRST SET OF DOCUMENT REQUESTS TO OPPOSER

was sent by electronic mail and served by First Class United States Mail, postage pre-paid, this 17th day of June, 2011, to the following counsel of record:

Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
Reinhardt LLP
44 Wall Street, 10th Floor
New York, NY 10005

By s/John C. Linderman
John C. Linderman

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

In the matter of Trademark Application No. 76701998
for the mark: LAVATEC
Published on November 2, 2010

Wolf-Peter Graeser,	)	
Opposer	)	Opposition No. 91197754
v.	)	
Lavatec, Inc.	)	June 17, 2011
Applicant	)	

APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER

Pursuant to F.R.Civ.P. 36 and 37 C.F.R. §2.120, Applicant, Lavatec, Inc., submits the following Requests for Admissions to be responded to by Opposer, Wolf-Peter Graeser.

INSTRUCTIONS AND DEFINITIONS

The Instructions and Definitions in Applicant's First Set of Interrogatories to Opposer also apply to Applicant's First Set of Requests for Admission, and are incorporated herein by reference.

ADMISSION REQUESTS

1. Opposer never acquired all assets of Lavatec GmbH (f/k/a Lavatec AG) as alleged in Par. 20 of the Notice of Opposition.

2. Opposer never acquired any stock of Lavatec, Inc.

EXHIBIT 4

3. Opposer was never a creditor of Lavatec, Inc.

4. Opposer never acquired any assets of Lavatec, Inc.

5. Under the proceedings of Chapter 11 (Reorganization) of the United States Bankruptcy Code cited in Par. 24 of the Notice of Opposition, Applicant Lavatec, Inc. became a debtor-in-possession of all Lavatec, Inc. assets.

6. Under the proceedings of Chapter 11 (Reorganization) of the United States Bankruptcy Code cited in Par. 24 of the Notice of Opposition, no receiver was appointed to take control of Lavatec, Inc. assets.

7. At the time of acquisition of any assets of Lavatec GmbH, Opposer was aware of the Chapter 11 (Reorganization) proceedings of Applicant Lavatec, Inc., and that Applicant Lavatec, Inc. was a debtor-in-possession of Lavatec, Inc. assets.

8. At the time of purchase of any assets of Lavatec GmbH by Opposer, Lavatec GmbH was aware of the Chapter 11 (Reorganization) proceedings of Applicant Lavatec, Inc., and that Applicant Lavatec, Inc. was a debtor-in-possession of Lavatec, Inc. assets.

9. All sales of laundry equipment for use in the United States by Lavatec GmbH and its German subsidiaries were to Lavatec, Inc.

10. Lavatec GmbH and its German subsidiaries never sold laundry equipment directly to customers in the United States.

11. Lavatec GmbH and its German subsidiaries never sold laundry equipment to customers in the United States prior to the formation of Lavatec, Inc.

12. Lavatec GmbH and its German subsidiaries never performed services on laundry equipment in the possession of customers in the United States.

13. Lavatec GmbH and its German subsidiaries never performed services on laundry equipment in the possession of customers in the United States prior to the formation of Lavatec, Inc.

14. The first sale of laundry equipment bearing the LAVATEC mark to a customer in the United States was by Lavatec, Inc.

15. Opposer never acquired exclusive rights to the LAVATEC trademark for use in the United States on any type of laundry equipment.

16. Opposer has no documents granting Opposer exclusive rights to the LAVATEC trademark for use in the United States on any type of laundry equipment.

17. Prior to any acquisition of assets of Lavatec GmbH by Opposer, Lavatec GmbH informed Opposer that Lavatec GmbH did not have an exclusive right to the LAVATEC name to convey to Opposer.

18. Prior to any acquisition of assets of Lavatec GmbH by Opposer, Lavatec GmbH informed Opposer that Applicant Lavatec Inc. had the right to use the name LAVATEC in conducting its business.

Respectfully

LAVATEC, INC.

By s/ John C. Linderman

John C. Linderman
Richard J. Twilley
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Hartford, CT 06103-3410
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lind@ip-lawyers.com
twilley@ip-lawyers.com
Attorneys for Applicant

CERTIFICATE SERVICE

The undersigned hereby certifies that a copy of the foregoing

APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER

was sent by electronic mail and served by First Class United States Mail, postage pre-paid, this 17th day of June, 2011, to the following counsel of record:

Andrea Fiocchi, Esq.

Sarah E. Tallent, Esq.
Reinhardt LLP
44 Wall Street, 10th Floor
New York, NY 10005

By s/John C. Linderman
John C. Linderman

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

In the matter of Trademark Application No. 76/701,998
for the mark: LAVATEC
Published on November 2, 2010

Wolf-Peter Graeser,	)	
Opposer,	)	
v.	)	Opposition No. 91/197,754
Lavatec, Inc.,	)	
Applicant.	)	

APPLICANT'S INITIAL DISCLOSURE

Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and 37 C.F.R. § 2.120, Applicant Lavatec, Inc., sets forth below its Initial Disclosure, as follows:

1. Individuals Likely to Have Discoverable Information.
   a. Herman Bernstein – organization and general history of Lavatec, Inc., its founding, operations, sales, and bankruptcy;
   b. Peter Thompson – general history of Lavatec, Inc., its founding, sales, and operations; and
   c. Bruce Berman – general knowledge of Lavatec, Inc., its sales and customers.

Each of the individuals is located at and is an employee of Lavatec, Inc., 300 Great Hill Road, Naugatuck, CT 06770.

2. Documents and Things.
   a. Sales records of Lavatec, Inc.;
   b. Engineering design drawings of Lavatec, Inc.;

c. Lavatec Name plates;

d. Brochures of Lavatec, Inc.;

e. Equipment of Lavatec, Inc.;

f. Bankruptcy documents; and

g. Sales summaries.

Each of the individuals is located at and is an employee of Lavatec, Inc., 300 Great Hill Road, Naugatuck, CT 06770.

LAVATEC, INC.

/s/ Richard J. Twilley
John C. Linderman
Richard J. Twilley
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(860) 549-5290
lind@ip-lawyers.com
twilley@ip-lawyers.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing

APPLICANT'S INITIAL DISCLOSURE

was sent by electronic mail and served by First Class United States Mail, postage pre-paid, this seventeenth day of May, 2011, to the following counsel of record:

Andrea Fiocchi, Esq.
Sarah E. Tallent, Esq.
Reinhardt LLP
44 Wall Street, 10th Floor
New York, NY 10005

/s/ Richard J. Twilley
Richard J. Twilley

Subject: RE: LAVATEC Opposition
Date: Monday, July 25, 2011 4:09 PM
From: Sarah Tallent <stallent@reinhardt-law.com>
To: John C. Linderman lind@ip-lawyers.com
Cc: Andrea Fiocchi afiocchi@reinhardt-law.com

Dear Mr. Linderman:

I was not able to review the materials referred to since they were not attached to the email.

I do, however, note the following:

(i) our client has no knowledge that the business of Lavatec, Inc. will be continued in the U.S., since this information is not contained in any public document and we're not even sure that this is the case,

(ii) our client has not claimed that Lavatec Laundry Technology, Inc. is the successor of Lavatec, Inc.; you are confusing Lavatec, Inc. with Lavatec GmbH, and

(iii) our client is not attempting to pass itself off as Lavatec, Inc., instead it is merely continuing its existing Lavatec business. On the contrary, your client keeps confusing the market by claiming to be the "real Lavatec" when they neither manufacture nor own the Lavatec trademark.

I believe that most of the allegations contained in your email relate to the heart of the dispute between the parties and the pending opposition proceeding, therefore, they should be dealt with within the context thereof.

We will proceed with discovery as previously agreed. You should expect our client's comprehensive discovery requests shortly.

Finally, as regards your threat of filing a motion to compel, please be reminded that you agreed to an extension and we acted accordingly. If you wish to file a motion we'll gladly respond and file our own concerning your insufficient initial disclosures, that clearly lack the required specificity. We could have filed this motion previously, however, had hoped we could avoid over-lawyering on procedural issues

You now seek to confuse the issues of the Opposition Proceeding with other baseless grievances that your client appears to have. I'd suggest we focus on the proceeding at hand.

Very truly yours,

Sarah

Sarah E. Tallent

From: Sarah E. Tallent [stallent@reinhardt-law.com]
Sent: Wednesday, July 27, 2011 3:02 PM
To: 'John Linderman'
Cc: 'Andrea Fiocchi'
Subject: RE: LAVATEC Opposition

Dear John:

We believe that you are unreasonably conditioning a professional courtesy request for an extension of time to produce voluminous records located overseas to gain an advantage for your client on different issues. Extending the time to reply by 30 days will have no material impact on your client. Your sudden denial is unreasonable.

Your client's complaints regarding disparagement and harassment are incorrect. Our client is merely continuing to maintain its position that he purchased the true Lavatec business. If this has a negative impact on your client, then it is unfortunate, however, it should be noted that your client is going around and doing exactly the same thing.

As regards your claim of harassment, I believe our client's German attorneys communicated with an individual who registered the domain www.lavatec.com. Attempting to prosecute a valid domain ownership dispute is a legitimate action and enforcing one's claim to the ownership of IP cannot be considered harassment.

Please feel free to file a motion to compel, however, we advise you that our response will raise the following issues: (i) you are serving discovery requests on a natural person who resides outside of the United States in a country where the legal system does not provide for pre-trial discovery, and (ii) your initial disclosures fail to comply with Fed. R. Civ. P. 26(a), therefore we have no duty to respond to your discovery requests.

I believe that this firm has conducted itself in a professional matter thus far, however, we will not allow your client to irrationally influence the legal procedure with its continuing complaints. Our position is firm on this, if you believe a motion to compel is necessary then so be it.

Very truly yours,

Sarah

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Exhibit 7

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