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

Proceeding	91198483
Party	Plaintiff PsyBar LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Opposition Number: 91198483

David Mahony, PhD,

Serial Number: 85095429

Applicant,

v.

**OPPOSER PSYBAR'S
PRETRIAL DISCLOSURES**

PsyBar, LLC,

Opposer.

**TO: PRO SE APPLICANT, DAVID MAHONY, PHD; 104 FUDORA CIRCLE,
SIMPSONVILLE, SOUTH CAROLINA 29681.**

TESTIMONY

Opposer PsyBar will call David Fisher, Chairman of the Board of PsyBar, LLC. His testimony will include the following topics:

1. The use of the "PsyBar" trademark and the significant recognition of the PsyBar name in the field in which it operates;
2. The likelihood of confusion in the relevant market, including the likelihood that persons in the relevant markets would mistakenly believe that the PSYBARI test was developed by or associated with PsyBar.
3. Applicant's prior relationship with PsyBar and the fact that he had full knowledge that the PsyBar name was being used when he chose the name "PSYBARI."
4. The relationship between forensic psychology and clinical psychology and the fact that there is a significant potential for overlap.

5. PsyBar is an invented word and that causes the likelihood of confusion to increase.
6. The fact that actual confusion has not yet occurred because Applicant's product is not yet available.

DOCUMENTS

In addition to the testimony, PsyBar will submit Notices of Reliance with respect to PsyBar's USPTO filings and Applicant's USPTO filings.

KRETSCH & GUST PLLC

Dated: 10/23/12

/Robert Gust/

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Attorneys for Opposer, PsyBar, LLC

I hereby certify that a true and complete copy of the Opposer PsyBar's Pretrial Disclosures has been served on David Mahony by mailing said copy October 23, 2012, via First Class Mail, postage prepaid to: **DAVID MAHONY, PHD; 104 FUDORA CIRCLE, SIMPSONVILLE, SOUTH CAROLINA 29681.**

/Robert Gust/
Signature