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

Proceeding	91202562
Party	Defendant Velocity, LLC
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Date	08/09/2013
Attachments	Pretrail Disclosures.pdf(16082 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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_____	)	
Boston Athletic Association,	)	
	)	
Opposer,	)	Opposition No.: 91202562
	)	Application No.: 85/224698
v.	)	Mark: MARATHON MONDAY
	)	Class: 25
Velocity, LLC	)	
	)	
Applicant.	)	
_____	)	

**APPLICANT’S PRETRIAL DISCLOSURES**

Applicant Velocity, LLC (“Applicant”), respectfully submits the following pretrial disclosures to Opposer, Boston Athletic Association pursuant to 37 C.F.R. §2.121 and TBMP §702.1 as follows:

**A. APPLICANT’S TRIAL WITNESSES WHO MAY BE CALLED TO TESTIFY**

Applicant hereby identifies the following individuals from whom it intends to take testimony or may take testimony in the even the need arises during the testimony period of this Opposition and provides a general summary of the subjects about which such witnesses are or may be expected to testify:

1. Charles Tuite, Member  
Velocity, LLC  
120 Tremont Street  
Everett, MA 02149

Mr. Tuite may testify regarding information regarding the selection and use of the MARATHON MONDAY trademark by Applicant, the business of Applicant and products identified by the mark, products produced by the Applicant for Opposer, and Applicant’s prior relationship with Opposer.

**B. TYPES OF DOCUMENTS AND THINGS WHICH OPPOSER MAY INTRODUCE DURING THE TESTIMONY OF ITS TRIAL WITNESSES**

Applicant hereby identifies the following general information and summary of the types of documents and things which may be introduced as exhibits during the testimony of Applicant's witnesses during the Testimony Period:

1. Documents related to the selection, application for and use of the MARATHON MONDAY trademark by the Applicant.
2. Documents relating to the use by third parties of the term MARATHON MONDAY.
3. Documents relating to correspondence between Applicant and its representatives and Opposer and its representatives.
4. Documents relating to the business relationship between Applicant and Opposer.
5. Documents produced by the parties during this Opposition.

VELOCITY, LLC

By its attorneys,



Dated: August 8, 2013

Andrea J. Mealey  
Hinckley Allen & Snyder LLP  
28 State Street  
Boston, MA 02109  
Ph: 617-342-9000

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of August 2013, I served a true and accurate copy of the foregoing Applicant's Pretrial Disclosures, via email and first class mail, postage prepaid upon Counsel for Opposer addressed as follows:

Barbara A. Barakat  
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Andrea J. Mealey