ESTTA Tracking number: **ESTTA544891**
Filing date: **06/25/2013**

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

Proceeding	91204473
Party	Defendant Edmund Frette S.A.R.L.
Correspondence Address	JEFFREY H KAUFMAN OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT LLP 1940 DUKE STREET ALEXANDRIA, VA 22314 UNITED STATES tmdocket@oblon.com, jkaufman@oblon.com, Bchapman@oblon.com, KKanelopoulos@oblon.com, Clisenby@oblon.com
Submission	Opposition/Response to Motion
Filer's Name	Jeffrey H. Kaufman
Filer's e-mail	Tmdocket@oblon.com, Jkaufman@oblon.com, Bchapman@oblon.com, KKanelopoulos@oblon.com, Clisenby@oblon.com
Signature	/jeffrey h. kaufman/cli/
Date	06/25/2013
Attachments	91204473-Applicant-Counterclaim Plaintiff Responsive Brief.pdf(2825723 bytes)

Attorney Docket No.: 398978US33

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

PICKIN' COTTON COMMUNICATIONS, LLC, Opposer/Counterclaim Defendant, v. EDMUND FRETTE S.A.R.L., Applicant/Counterclaim Plaintiff.	)	Opposition No.: 91/204473 Appln. Serial No. 79/103,520 Mark: EDMOND FRETTE

APPLICANT/COUNTERCLAIM PLAINTIFF'S RESPONSIVE BRIEF TO OPPOSER/COUNTERCLAIM DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Fed.R.Civ.P. 56 and Trademark Rule 2.127(e), Edmund Frette S.A.R.L. ("Applicant" or "EFS"), by and through its undersigned counsel, hereby opposes Pickin' Cotton Communications, LLC's ("Opposer" or "PCC") Motion for Partial Summary Judgment on Applicant's Counterclaim Petition for Cancellation.[1] Applicant requests that the Trademark Trial and Appeal Board ("Board") deny Opposer's Motion for Partial Summary Judgment.

[1] PCC filed is Motion for Partial Summary Judgment with the Board on June 2, 2013, indicating a Certificate of Service on EFS's counsel by "US mail" on June 2, 2013. PCC served incomplete copies of the Exhibits to its Motion in separate envelopes (marked "Attn: B. [sic] Kaufman, J. [sic] Chapman" and followed by "1" and "3" respectively). EFS Exhibits A and B. EFS's counsel did not receive any part "2" (presumably the Motion itself) via the US mail. PCC is not complying with Trademark Rule 2.119(c), and importantly is not complying with Rule 11, Fed.R.Civ.P, and USPTO Rule 11.18 concerning the party's signature and certificate of correspondence for submissions to the USPTO.

EFS filed an Opposition to PCC's then Application Serial No. 85/207681 for the mark FRATTY based on claims of priority and likelihood of confusion. (PCC Exhibit 1). After PCC filed its (unsigned) Answer to the Opposition (PCC Exhibit 2), EFS withdrew the Opposition (PCC Exhibit 4). On March 29, 2012, the Board issued an order dismissing the Opposition with prejudice pursuant to Trademark Rule 2.106(c) (PCC Exhibit 5).

Thereafter, on May 8, 2012 the United States Patent and Trademark Office ("USPTO") issued a Notice of Allowance for PCC's application (EFS Exhibit C). PCC filed its Statement of Use at the USPTO on November 3, 2012 (EFS Exhibit D). The USPTO sent the Notification of Acceptance thereof on December 13, 2012 (EFS Exhibit E), resulting in issuance of PCC's Registration No. 4,276,293 for the mark FRATTY on January 15, 2013 (EFS Exhibit F).

The Board's March 13, 2013 Discovery/Settlement Conference order, *inter alia*, allowed PCC time to file an amended Notice of Opposition. PCC ultimately filed an amended Notice of Opposition on April 1, 2013, and EFS filed its Answer With Counterclaim on April 18, 2013. (PCC then filed its "Answer to Counterclaim" on May 2, 2013.) EFS's Counterclaim does not include claims of priority and likelihood of confusion and dilution, which were the pleaded grounds for EFS's earlier Opposition. EFS's Counterclaim is based on claims of fraud and nonuse of the mark stemming from PCC's Statement of Use.

As discussed below, EFS disagrees with PCC's reading of the legal principle of *res judicata* as applied to this case. Moreover, EFS is concerned with PCC's questionable statements made (and signed by PCC) in its Motion that EFS is asserting the same transactional facts as those from EFS's prior Opposition, when such statements by PCC are clearly not true.

"Issue" preclusion operates only as to issues actually litigated, whereas "claim" preclusion may operate by virtue of the final judgment. Because no issues were actually

judicially resolved after a trial in the prior Opposition, the principle of "issue preclusion" does not apply. *Chromalloy American Corporation v. Kenneth Gordon (New Orleans), Ltd.*, 736 F.2d 694, 222 USPQ 187, 189 (Fed. Cir. 1984). Thus, *res judicata* herein must be analyzed on the basis of "claim" preclusion. The elements required to find claim preclusion are: (1) there is identity of the parties (or their privies), (2) there has been an earlier final judgment on the prior claim, and (3) the second claim is based on the same transactional facts as the first claim. *Jet Inc. v. Sewage Aeration Systems*, 223 F.3d 1360, 55 USPQ2d 1854, 1856 (Fed. Cir. 2000).

Here, the parties are the same, and there was a final judgment in the prior Opposition. However, in the Counterclaim, EFS is <u>not</u> asserting the same claim and the Counterclaim is <u>not</u> based on the same transactional facts. The events forming the basis for EFS's Counterclaim had not occurred at the time EFS filed the Notice of Opposition. Stated differently, EFS's Counterclaim pleadings of fraud and nonuse were not available as grounds until after PCC filed its Statement of Use with the USPTO, which occurred subsequent to the Board's March 29, 2012 order dismissing the Opposition. Thus, EFS's Counterclaim is based on PCC's conduct of a completely different nature from that conduct by PCC alleged in EFS's prior Opposition.

PCC has not established it is entitled to summary judgment and PCC's Motion for Partial Summary Judgment must be denied.

<u>*EFS's Additional Concerns*</u>

PCC makes arguments and statements in its Motion for Partial Summary Judgment that are not true. For example, PCC argues that "The third and final prong is also met since, as shown herein, Applicant is asserting transactional facts [that] are identical to the prior Opposition proceeding or which could (and should) have been asserted in its prior Opposition proceeding.

Indeed, the factual allegations are identical, and there is nothing in the pending Cancellation petition that could not have been raised in the earlier Opposition." (PCC's Motion, page 4.)

PCC's signed statement that the claims in EFS's prior Opposition are "identical" to the claims in EFS's Counterclaim is inaccurate on its face simply by a comparison of EFS's prior Notice of Opposition with EFS's current Counterclaim. PCC's signed statement that there is nothing in EFS's Counterclaim that "could not have been raised" in EFS's prior Opposition is also clearly not true and is inaccurate on its face because EFS's fraud and nonuse claims are based on events that occurred after EFS's prior Opposition was dismissed. Even though PCC is proceeding without an attorney, surely Dr. Fogarty, acting on behalf of PCC, can understand that a likelihood of confusion or dilution claim is not a fraud or nonuse claim, and surely he can understand that the events forming the basis for EFS's Counterclaim occurred after EFS's Opposition was dismissed.[2]

PCC's Motion for Partial Summary Judgment is another of PCC's efforts to prolong this Opposition/Counterclaim proceeding in order to avoid the cancellation of its pleaded registration and dismissal of its opposition, all to the prejudice of EFS.

EFS served PCC with EFS's Initial Disclosures on May 22, 2013 (EFS Exhibit G). On May 30, 2013, EFS served PCC with EFS's First Set of Interrogatories, First Request for

---

[2] As noted in footnote 1, PCC is not complying with procedural requirements in filings with the USPTO and service on EFS's counsel. PCC's untrue statements made in its Motion for Partial Summary Judgment, signed and filed with the USPTO, establish that PCC is not complying with the substantive requirements regarding the contents of submissions to the USPTO as set forth in Rule 11(a) and (b)(1), (2) and (3), Fed.R.Civ.P, and USPTO Rule 11.18(b)(1) and (2), as to, *inter alia*, that all statements are true or believed to be true, and the document is not submitted for any improper purpose, the legal contentions are warranted, and the factual contentions have evidentiary support. EFS urges the Board to advise PCC that if there are further violations of the rules by PCC, then pursuant to the Board's inherent authority to impose sanctions under TBMP §527.03 (April 2013), sanctions may be entered against PCC, including entry of judgment against PCC.

Production and First Request for Admissions. (EFS served its discovery requests on PCC by mail, and with a courtesy copy via email to PCC through Dr. Fogarty, on May 30, 2013 (Exhibit H).) Within three days, PCC filed its Motion for Partial Summary Judgment, thereby temporarily avoiding responding to EFS's written discovery requests.

In view of PCC's continuing abuse of the Board process, EFS requests that the Board order PCC to respond to EFS's First Set of Interrogatories, First Request for Production and First Request for Admissions within twenty (20) days of the Board decision on the Motion for Partial Summary Judgment, and also order that PCC's time to do so will not be extended.

WHEREFORE, Edmund Frette S.A.R.L. respectfully requests that Pickin' Cotton Communications, LLC's Motion for Partial Summary Judgment be denied; that remaining dates be reset commencing with the Expert Disclosure Due date; and that Pickin' Cotton Communications, LLC be ordered to respond to Edmund Frette S.A.R.L.'s previously served first discovery requests within twenty (20) days from the date of the Board decision, with no extension of PCC's time to respond to EFS's discovery allowed.

Respectfully submitted,

EDMUND FRETTE S.A.R.L.

By: /jhk/

Jeffrey H. Kaufman
Beth A. Chapman
Oblon, Spivak, McClelland,
Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
fax (703) 413-2220
e-mail: *tmdocket@oblon.com*
Counsel for Applicant/Counterclaim Plaintiff

Date: June 25, 2013

JHK/BAC/cli {8525221_1.DOC}

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT/COUNTERCLAIM PLAINTIFF'S RESPONSIVE BRIEF TO OPPOSER/COUNTERCLAIM DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT was served on Opposer at Opposer's correspondence address in the records of the USPTO, this 25th day of June, 2013, by sending same via First Class mail, postage prepaid, to:

Matt Fogarty, MD
Pickin' Cotton Communications, LLC
232 Ivory Street
Lafayette, LA 70506

and with a courtesy copy by email to: mfogartymd@hotmail.com

/carlette lisenby/
Carlette Lisenby

EXHIBIT A

Matt Fogarty, MD
Pickin' Cotton Communications, LLC
232 Ivory Street
Lafayette, LA 70506

Oblon Spivak Mcclelland Maier & Neustadt
LLP
1940 Duke St.
Alexandria, VA 22314

Attn: B. Kaufman, J. Chapman - 1

22314 9454 C021

Certification Under 37 CFR 1.8

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicated above and is addressed to:

PICKIN' COTTON COMMUNICATIONS, LLC
232 IVORY STREET
LAFAYETTE LOUISIANA 70506

Dated: October 28, 2011

JAMES R. MEYER

Exhibit 2

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov
ESTTA Tracking number: **ESTTA444949**
Filing date: **12/06/2011**

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

Proceeding	91202323
Party	Defendant PICKIN' COTTON COMMUNICATIONS, LLC
Correspondence Address	PICKIN' COTTON COMMUNICATIONS, LLC PICKIN' COTTON COMMUNICATIONS, LLC 232 IVORY ST LAFAYETTE, LA 70506-5755 admin@hoodprepclothing.com
Submission	Answer
Filer's Name	/ALFONZO D. BOLDEN/
Filer's e-mail	admin@hoodprepclothing.com
Signature	/ALFONZO D. BOLDEN/
Date	12/06/2011
Attachments	OPPOSITION No. 91292323.txt (4 pages)(5620 bytes)

IN THE UNITED STATES PATENT AND TRADEMAR
K OFFICE

BEFORE THE TRADEMARK TRAIL AND APPEAL
BOARD

In the Matter of:
Application Serial No. 85/207,681
Published in the Official Gazette
May 03, 2011

EDMUND FRETTE S.A.R.L.,	)	
	)	
	)	
Opposer,	)	
	)	
v.	)	Oppositi
on No. 91202323		
	)	
	)	
PICKIN' COTTON COMMUNICATIONS, LLC,	)	
	)	
	)	
Applicant.	)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITI
ON

Applicant, Pickin' Cotton Communications, LLC, composed of Alfonzo D. Bolden and Troy A. Bolden, for its/their answer to the Notice of Opposition filed by EDMUND FRET S.A.R.L. agains t application for registration of Pickin' Cotton Communcation's trademark FRATTY, Serial No. 85207681 filed December 30, 2011, a nd published in the Official Gazette of May 03, 2011, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Oppositio n, Applicant does not have sufficient knowledge or information to inform a belief as to the allegations contained therein and accordingly denies the allegations.

2. Answering paragraph 2 of the Notice of Oppositio n, Applicant does not have sufficient knowledge or information to inform a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Oppositio n, admits the allegations thereof.

4. Answering paragraph 4 of the Notice of Oppositio n, Applicant does not have sufficient knowledge or information to inform a belief as to the allegations contained

therein and
accordingly denies the allegations.

5. Answering paragraph 5 of the Notice of Oppositio
n, Applicant does
not have sufficient knowledge or information to
inform a belief as to the allegations contained
therein and
accordingly denies the allegations.

6. Answering paragraph 6 of the Notice of Oppositio
n, Applicant does
not have sufficient knowledge or information to
inform a belief as to the allegations contained
therein and
accordingly denies the allegations.

7. Answering paragraph 7 of the Notice of Oppositio
n, Applicant does
not have sufficient knowledge or information to
inform a belief as to the allegations contained
therein and
accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Oppositio
n, admits the
allegations thereof.

9. Answering paragraph 9 of the Notice of Oppositio
n, Applicant does
not have sufficient knowledge or information to
inform a belief as to the allegations contained
therein and
accordingly denies the allegations.

10. Answering paragraph 10 of the Notice of Oppositi
on, admits the
allegations thereof.

11. Answering paragraph 11 of the Notice of Oppositi
on, admits the
allegations thereof.

12. Applicant further affirmatively alleges that usa
ge of FRATTY is a
priority; there are business plans in the very near future to use the
FRATTY mark in commerce for any goods and servic
es.

13. Applicant further affirmatively alleges that the
re is no
likelihood of confusion, mistake or deception because, inter alia,
Applicant's
mark and the pleaded marks of Opposer are not co
nfusingly similar.

14. Answering paragraph 14 of the Notice of Oppositi
on, Applicant
does not have sufficient knowledge or information to
inform a belief as to the allegations contained
therein and
accordingly denies the allegations.

15. Applicant further affirmatively alleges that the re is no likelihood of confusion, mistake or deception because, inter alia, Applicant's mark and the pleaded marks of Opposer are not co nfusingly similar. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is in the portion "FR T T ". FRATTY is short for the collegiate FRATERNITY lifestyle; related to United States colleges, fraternity brothers, sorority sisters, alumni, their family, friends, and all consumers who value the traditions of industry, success, love, respect, honor, and fidelity found in thes e United States fraternal institutions.

16. Applicant further affirmatively alleges that the re is no likelihood of dilution of the distinctiveness of Opposer's marks.

17. Applicant further affirmatively alleges that the re is no likelihood of the Applicant's registration of FRATTY for the goods of the application causing injury and damage to FRETTE.

WHEREFORE, Applicant request that the notice of oppositi on be dimissed.

Respectfully submitted,
Pickin' Cotton Communica tions, LLC

By:_____

Alfonzo D. Bolden
232 Ivory Drive

Lafayette, La. 70506

(504) 609-9226
CO-CEO

Date: December 06, 2011

Certific ation Under 37 CFR 1.8

I hereby certify that is paper or fee is being deposited with the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicat ed above and is addressed to:

James R. Meyer, Esq.
Attorney of Record, Member PA Ba r
Schnader Harrison Segal & Lewis LLP

1600 Market Street Suite 3600
Philadelphia, Pa 19103
United States

Date: December 06, 2011

ALFONZO

D. BOLDEN

Exhibit 3

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MBA

Mailed: February 16, 2012

Opposition No. 91202323

Edmund Frette S.A.R.L.

v.

Pickin' Cotton Communications, LLC

Michael B. Adlin, Interlocutory Attorney:

On February 14, 2012, at opposer's request, the Board participated in the parties' telephonic discovery conference mandated under Fed. R. Civ. P. 26(f) and Trademark Rule 2.120(a)(1) and (a)(2). James R. Meyer appeared on opposer's behalf, applicant appeared pro se through its majority owner, and an officer of the company, Dr. Fogerty, and the interlocutory attorney assigned to this proceeding participated on the Board's behalf.

Applicant indicated that it does not intend to obtain an attorney to represent it. The Board advised applicant that it is generally recommended that parties retain experienced trademark practitioners to represent them in Board proceedings.[1] The Board also indicated that applicant

[1] Information for parties representing themselves pro se is provided at the end of this order.

will be expected and required to comply with all applicable rules and procedures, including those relating to service of papers, as set forth in 37 C.F.R. § 2.119, regardless of whether or when applicant retains counsel. During the teleconference, the parties agreed to accept service of papers by e-mail, pursuant to Trademark Rule 2.119(b)(6). The parties are not aware of any related proceedings, marks or third party disputes.

The parties have only had limited communications thus far. The parties have communicated about settlement briefly, but applicant is thus far unwilling to accept opposer's latest settlement offer. The parties are strongly encouraged to work together to resolve this proceeding, including by exchanging information and/or documents informally, so as to better evaluate their respective claims and defenses prior to the case advancing to discovery or trial.

The parties discussed the pleadings, including opposer's claims of priority and likelihood of confusion and dilution. The Board noted that opposer has pleaded ownership of several registrations,[2] and assuming that opposer properly introduces one or more registrations into evidence, because applicant has not counterclaimed to cancel

---

[2] Applicant may have admitted the relevant allegations. Answer ¶ 8.

any of opposer's pleaded registrations, it appears that priority may not be at issue at trial. Penguin Books Ltd. v. Eberhard, 48 USPQ2d 1280, 1286 (TTAB 1998) (citing King Candy Company v. Eunice King's Kitchen, Inc., 496 F.2d 1400, 182 USPQ 108, 110 (CCPA 1974)). The Board also informed the parties that opposer's dilution claim is inadequate because opposer has not alleged that any of its marks became famous prior to applicant's priority date. See, Toro Co. v. ToroHead Inc., 61 USPQ2d 1164, 1174 and n. 9 (TTAB 2001).

In any event, whether or not opposer perfects its dilution claim and whether or not priority is ultimately at issue, it is clear that this case is quite straightforward, and the relevant facts appear quite limited. Therefore, the Board reminded the parties of their option to stipulate to limits on discovery, abbreviated procedures for submission of evidence and other ways to expedite resolution of this case. See, Target Brands Inc. v. Hughes, 85 USPQ2d 1676 (TTAB 2007). The Board also discussed the possibility of the parties making greater reciprocal disclosures than required by Fed. R. Civ. P. 26(a)(1), in lieu of formal discovery. See, Miscellaneous Changes to Trademark Trial and Appeal Board Rules, 71 Fed. Reg. 2498 (January 17, 2006).[3] The parties agreed to consider these possibilities.

[3] The parties have not exchanged initial disclosures, and accordingly the date for doing so, and the remaining dates, are reset herein.

On a related note, the Board indicated that this case appears particularly appropriate for Accelerated Case Resolution ("ACR"). While the parties were not willing to agree to ACR during the teleconference, they agreed to consider resolving this case by ACR, and are directed to:

http://www.uspto.gov/trademarks/process/appeal/Accelerated Case Resolution ACR notice from TTAB webpage 12 22 11.pdf

http://www.uspto.gov/trademarks/process/appeal/Accelerated Case Resolution (ACR) FAQ updates 12 22 11.doc

http://www.uspto.gov/trademarks/process/appeal/ACR Case List 01 9 11).doc

The Board's standard protective order is applicable herein by operation of Trademark Rule 2.116(g) and available here:

http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp

The parties are encouraged to acknowledge their obligations under the protective order in writing, and may utilize the following form:

http://www.uspto.gov/trademarks/process/appeal/guidelines/ackagrmnt.jsp

Finally, the parties were reminded that although discovery is open pursuant to the schedule set forth in the Board's order of October 28, 2011, neither discovery requests nor motions for summary judgment may be served until after initial disclosures are made. Disclosure,

conferencing, discovery, trial and other dates are reset as follows:

Initial Disclosures Due	**February 27, 2012**
Expert Disclosures Due	**June 26, 2012**
Discovery Closes	**July 26, 2012**
Plaintiff's Pretrial Disclosures	**September 9, 2012**
Plaintiff's 30-day Trial Period Ends	**October 24, 2012**
Defendant's Pretrial Disclosures	**November 8, 2012**
Defendant's 30-day Trial Period Ends	**December 23, 2012**
Plaintiff's Rebuttal Disclosures	**January 7, 2013**
Plaintiff's 15-day Rebuttal Period Ends	**February 6, 2013**

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Pro Se Information

Applicant is reminded that it will be expected to comply with all applicable rules and Board practices during the remainder of this case. The Trademark Rules of Practice, other federal regulations governing practice

before the Patent and Trademark Office, and many of the Federal Rules of Civil Procedure govern the conduct of this opposition proceeding. The parties should note that Patent and Trademark Rule 10.14 permits any person or legal entity to represent itself in a Board proceeding, though it is generally advisable for those unfamiliar with the applicable rules to secure the services of an attorney familiar with such matters.

If applicant does not retain counsel, then it will have to familiarize itself with the rules governing this proceeding. The Trademark Rules are codified in part two of Title 37 of the Code of Federal Regulations (also referred to as the CFR). The CFR and the Federal Rules of Civil Procedure are likely to be found at most law libraries, and may be available at some public libraries. Finally, the Board's manual of procedure will be helpful.

On the World Wide Web, applicant may access most of these materials by logging onto <http://www.uspto.gov/> and making the connection to trademark materials.

The parties must pay particular attention to Trademark Rule 2.119. That rule requires a party filing any paper with the Board during the course of a proceeding to serve a copy on its adversary, unless the adversary is represented by counsel, in which case, the copy must be served on the adversary's counsel. The party filing the paper must

include "proof of service" of the copy. "Proof of service" usually consists of a signed, dated statement attesting to the following matters: (1) the nature of the paper being served; (2) the method of service (e.g., e-mail, first class mail); (3) the person being served and the address used to effect service; and (4) the date of service. Also, the parties should note that any paper they are required to file herein must be received by the Patent and Trademark Office by the due date, unless one of the filing procedures set forth in Trademark Rules 2.197 or 2.198 is utilized. These rules are in part two of Title 37 of the previously discussed Code of Federal Regulations.

Files of TTAB proceedings can now be examined using TTABVue, accessible at http://ttabvue.uspto.gov. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format.

The third edition (2011) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at

http://www.uspto.gov/trademarks/process/appeal/Preface_TBMP.jsp

***

Exhibit 4

EXHIBIT B

Matt Fogarty, MD
Pickin' Cotton Communications, LLC
232 Ivory Street
Lafayette, LA 70506

PM
2013
CA

Oblon Spivak Mcclelland Maier & Neustadt LLP
1940 Duke St.
Alexandria, VA 22314

Attn: B. Kaufman, J. Chapman ~3

22314$3454 C021

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov
ESTTA Tracking number: **ESTTA463662**
Filing date: **03/26/2012**

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

Proceeding	91202323
Party	Plaintiff Edmund Frette S.A.R. L.
Correspondence Address	JAMES R MEYER SCHNADER HARRISON SEGAL & LEWIS LLP 1600 MARKET STREET SUITE 3600 PHILADELPHIA, PA 19103 UNITED STATES trademarks@schnader.com, rventola@schnader.com
Submission	Withdrawal of Opposition
Filer's Name	Ronald J. Ventola II
Filer's e-mail	rventola@schnader.com, jmeyer@schnader.com, trademarks@schnader.com
Signature	/Ronald J. Ventola II/
Date	03/26/2012
Attachments	Withdrawal of Opposition.pdf (2 pages)(11825 bytes)

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

Edmund Frette S.A.R.L.	)	
v.	)	Opposition No. 91202323
Pickin' Cotton Communications, LLC	)	

WITHDRAWAL OF OPPOSITION

Opposer hereby withdraws the Opposition.

Respectfully submitted,

EDMUND FRETTE S.A.R.L.

By: /Ronald J. Ventola II/

James R. Meyer
Ronald J. Ventola II
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103-7213
Tel.: (215) 751-2358
Fax: (215) 972-7658
e-mail: rventola@schnader.com

ATTORNEYS FOR THE OPPOSER

Date: March 26, 2012

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2012, a copy of the foregoing Withdrawal of Opposition has been served by electronic mail, pursuant to the agreement of the parties, on Applicant's representatives:

ALFONZO D BOLDEN
admin@hoodprepclothing.com

Matthew Fogarty
mfogartymd@hotmail.com

/Ronald J. Ventola II/

Ronald J. Ventola II
Attorney
SCHNADER HARRISON SEGAL & LEWIS LLP

Exhibit 5

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

vb

Mailed: March 29, 2012

Opposition No. 91202323

Edmund Frette S.A.R. L.

v.

Pickin' Cotton
Communications, LLC

Opposer, without the written consent of applicant, filed a withdrawal of the opposition on March 26, 2012.

Trademark Rule 2.106(c) provides that after an answer is filed, the opposition may not be withdrawn without prejudice except with the written consent of applicant.

In view thereof, and because the withdrawal was filed after answer, the opposition is dismissed with prejudice.

By the Trademark Trial and Appeal Board

Exhibit 6

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

Proceeding	91204473
Party	Defendant Edmund Frette S.A.R.L.
Correspondence Address	JEFFREY H KAUFMAN OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT LLP 1940 DUKE STREET ALEXANDRIA, VA 22314 UNITED STATES tmdocket@oblon.com, jkaufman@oblon.com, Bchapman@oblon.com, KKanelopoulos@oblon.com, Clisenby@oblon.com
Submission	Answer and Counterclaim
Filer's Name	Jeffrey H. Kaufman
Filer's e-mail	Tmdocket@oblon.com, Jkaufman@oblon.com, Bchapman@oblon.com, KKanelopoulos@oblon.com, Clisenby@oblon.com
Signature	/jeffrey h. kaufman/cli/
Date	03/01/2013
Attachments	91204473-Answer and Counterclaim.pdf (9 pages)(24242 bytes)

Registration Subject to the filing

Registration No	4276293	Registration date	01/15/2013
Registrant	PICKIN' COTTON COMMUNICATIONS, LLC 232 IVORY STREET LAFAYETTE, LA 70506 UNITED STATES		

Goods/Services Subject to the filing

Class 025. First Use: 2010/12/30 First Use In Commerce: 2012/11/03
All goods and services in the class are requested, namely: Adult novelty gag clothing item, namely, socks; baby layettes for clothing; belts; belts for clothing; belts made out of cloth; bibs not of cloth or paper; bottoms; children's and infants' cloth bibs; children's cloth eating bibs; cloth bibs; cloth bibs for adult diners; cloth bibs for use by senior citizens or physically- or mentally-challenged persons; cloth diapers; clothing extension used to extend the normal size range of clothing items to accommodate pregnancy size changes; clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; clothing for athletic use, namely, padded pants; clothing for athletic use, namely, padded shirts; clothing for athletic use, namely, padded shorts; clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; clothing for wear in judo practices; clothing for wear in wrestling games; clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; clothing, namely, arm warmers; clothing, namely, athletic sleeves; clothing, namely, base layers; clothing, namely, folk costumes; clothing, namely, hand-warmers; clothing, namely, khakis; clothing, namely, knee warmers; clothing, namely, maternity bands; clothing, namely, neck tubes; clothing, namely, thobes; clothing, namely, wrap-arounds; corsets; dusters; eyeshades; foulards; gloves as clothing; headbands for clothing; hoods; infant and toddler one piece clothing; infant cloth diapers; inserts specially adapted for cloth diapers made of bamboo; inserts specially adapted for cloth diapers made of hemp; inserts specially adapted for cloth diapers made of microfiber; jackets; jerseys; leather belts; mantles; mufflers; non-disposable cloth training

pants; paper hats for use as clothing items; parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; parts of clothing, namely, underarm gussets; party hats; perspiration absorbent underwear clothing; pocket squares; shifts; short sets; shoulder wraps; shoulder wraps for clothing; swaddling clothes; ties; tops; travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; underarm clothing shields; wearable garments and clothing, namely, shirts; wraps

Attorney Docket No.: 398978US33

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

PICKIN' COTTON COMMUNICATIONS, LLC, Opposer, v. EDMUND FRETTE S.A.R.L., Applicant.	Opposition No.: 91/204473 Appln. Serial No. 79/103,520 Mark: EDMOND FRETTE

ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES AND COUNTERCLAIM

Edmund Frette S.A.R.L. ("Applicant"), by and through its undersigned counsel, responds to the Notice of Opposition as follows:

1. For Paragraph 1, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 1, leaving Opposer to strict proof thereof.

2. For Paragraph 2, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 2, leaving Opposer to strict proof thereof.

3. For Paragraph 3, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 3, leaving Opposer to strict proof thereof.

4. For Paragraph 4, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 4, leaving Opposer to strict proof thereof.

5. For Paragraph 5, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 5, leaving Opposer to strict proof thereof.

6. For Paragraph 6, Applicant denies the allegation of Paragraph 6, leaving Opposer to strict proof thereof.

7. For Paragraph 7, Applicant denies the allegations of Paragraph 7, leaving Opposer to strict proof thereof.

8. For Paragraph 8, Applicant is without knowledge of Opposer's specific "goods and Services" in connection with any of Opposer's pleaded marks, and/or a "natural zone of expansion" therefor, and/or Opposer's "channels of trade" therefor, and/or Opposer's "class of purchasers" therefor. Based thereon, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 8, leaving Opposer to strict proof thereof.

9. For Paragraph 9, Applicant denies the allegations of Paragraph 9, leaving Opposer to strict proof thereof.

10. For Paragraph 10, Applicant denies the allegations of Paragraph 10, leaving Opposer to strict proof thereof.

11. For paragraph 11, Applicant is without knowledge of Opposer's specific "other goods," and/or Opposer's "uses or plans to use" various alleged marks. Based thereon, Applicant is without sufficient knowledge to form a belief as to the allegations of Paragraph 11, leaving Opposer to strict proof thereof.

12. For paragraph 12, Applicant denies the allegations of Paragraph 12, leaving Opposer to strict proof thereof.

13. For paragraph 13, Applicant denies the allegations of Paragraph 13, leaving Opposer to strict proof thereof.

14. For Paragraph 14, Applicant repeats and reasserts its Answers to Opposer's Paragraphs 1 through 13.

15. For Paragraph 15, Applicant denies the allegations of Paragraph 15, leaving Opposer to strict proof thereof.

16. For Paragraph 16, Applicant denies the allegations of Paragraph 16, leaving Opposer to strict proof thereof.

17. For Paragraph 17, Applicant denies the allegations of Paragraph 17, leaving Opposer to strict proof thereof.

18. Regarding the closing paragraph, Applicant denies that Opposer is entitled to the relief requested therein.

AFFIRMATIVE DEFENSES

1. Opposer's Notice of Opposition should be limited to Opposer's Application Serial No. 85/207,681 for the mark FRATTY. Applicant's Application Serial No. 79/103,520 is based on the Madrid Protocol under Section 66 of the Trademark Act, 15 USC §1141f. Opposer filed the Notice of Opposition through ESTTA. In the ESTTA form utilized in Opposer's filing of its Notice of Opposition, Opposer asserted only one application/registration, specifically Application Serial No. 85/207,681 for the mark FRATTY. Although Opposer asserts other applications for other marks within the pleading attached to Opposer's ESTTA form, presumably the U.S. Patent and Trademark Office's ("USPTO") electronic notification to the International Bureau included only information on Opposer's FRATTY application. Therefore, the opposition is limited to the FRATTY application identified on the ESTTA electronic form, and all other applications included by Opposer within its pleading attached to its ESTTA electronic form should be excluded from consideration.

COUNTERCLAIM

1. On or about December 30, 2010, Opposer filed Application Serial No. 85/207,681 with the USPTO for the mark FRATTY, asserting Opposer's *bona fide* intention to use the mark in commerce on the identified goods, and supported by Opposer's Declaration signed by Alfonzo D. Bolden and Troy A. Bolden as "CO-CEOs".

2. The USPTO issued a Notice of Allowance for Opposer's Application No. 85/207,681 on May 8, 2012 for all goods identified in the application.

3. On November 3, 2012 Opposer filed with the USPTO a Statement of Use asserting a date of first use of December 30, 2010 and a date of first use in commerce of November 3, 2012 in its FRATTY application, stating "The specimen consist [sic] of two pictures of t-shirts," including Opposer's signed Declaration in support thereof.

4. In Opposer's November 3, 2012 Statement of Use, Opposer listed the identification of goods as applied for on December 30, 2010, and Opposer specifically stated "Keep All Listed" goods, supported by Opposer's Declaration signed by Alfonzo D. Bolden and Troy A. Bolden as "CO-CEOs".

5. Opposer's Application Serial No. 85/207,681 issued on January 15, 2013 as Registration No. 4,276,293 for the following goods: "Adult novelty gag clothing item, namely, socks; baby layettes for clothing; belts; belts for clothing; belts made out of cloth; bibs not of cloth or paper; bottoms; children's and infants' cloth bibs; children's cloth eating bibs; cloth bibs; cloth bibs for adult diners; cloth bibs for use by senior citizens or physically- or mentally-challenged persons; cloth diapers; clothing extension used to extend the normal size range of clothing items to accommodate pregnancy size changes; clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; clothing for athletic use,

namely, padded pants; clothing for athletic use, namely, padded shirts; clothing for athletic use, namely, padded shorts; clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; clothing for wear in judo practices; clothing for wear in wrestling games; clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; clothing, namely, arm warmers; clothing, namely, athletic sleeves; clothing, namely, base layers; clothing, namely, folk costumes; clothing, namely, hand-warmers; clothing, namely, khakis; clothing, namely, knee warmers; clothing, namely, maternity bands; clothing, namely, neck tubes; clothing, namely, thobes; clothing, namely, wrap-arounds; corsets; dusters; eyeshades; foulards; gloves as clothing; headbands for clothing; hoods; infant and toddler one piece clothing; infant cloth diapers; inserts specially adapted for cloth diapers made of bamboo; inserts specially adapted for cloth diapers made of hemp; inserts specially adapted for cloth diapers made of microfiber; jackets; jerseys; leather belts; mantles; mufflers; non-disposable cloth training pants; paper hats for use as clothing items; parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; parts of clothing, namely, underarm gussets; party hats; perspiration absorbent underwear clothing; pocket squares; shifts; short sets; shoulder wraps; shoulder wraps for clothing; swaddling clothes; ties; tops; travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; underarm clothing shields; wearable garments and clothing, namely, shirts; wraps."

6. Upon information and belief, Opposer's averment of a *bona fide* intention to use the mark FRATTY on or in connection with every good recited in the application filed on or about on December 30, 2010 was made with knowledge and belief that said averment was false. Said material false averment was made with the intent to induce employees of the USPTO to grant Opposer a registration; and reasonably relying on the truth of Opposer's material false averment, the USPTO issued Registration No. 4,276,293 to Opposer.

7. Upon information and belief, Opposer's averment of use of the mark FRATTY on or in connection with every good recited in Opposer's Statement of Use filed November 3, 2012 was made with knowledge and belief that said averment was false. Said material false averment was made with the intent to induce employees of the USPTO to grant Opposer a registration; and reasonably relying on the truth of Opposer's material false averment, the USPTO issued Registration No. 4,276,293 to Opposer.

8. Upon information and belief, Opposer did not have a *bona fide* intention to use the mark FRATTY on or in connection with every good recited in its application filed on or about December 30, 2012.

9. Upon information and belief, Opposer is not now using, and has never used, the mark FRATTY on or in connection with every good recited in Opposer's November 3, 2012 Statement of Use.

10. Applicant avers that, upon information and belief, Opposer's Registration No. 4,276,293 was obtained fraudulently in that Opposer's FRATTY application and Opposer's Statement of Use as filed by Opposer with the USPTO under notice of Section 1001 of Title 18 of the United States Code and signed by Alfonzo D. Bolden and Troy A. Bolden as "CO-CEO's" contained known false material statements.

11. Upon information and belief, Applicant alleges that Opposer has not used the mark on or in connection with every good recited in the November 3, 2012 Statement of Use. Therefore, Opposer's registration should be cancelled based on non-use of the mark under Section 1(a) of the Trademark Act, 15 USC §1052(a).

12. Applicant avers that it is damaged by the continued existence of Opposer's Registration No. 4,276,293.

Applicant, Edmund Frette S.A.R.L., reserves the right to assert other affirmative defense(s) or further compulsory or permissive counterclaim(s), if warranted by information obtained through discovery or trial.

WHEREFORE, Edmund Frette S.A.R.L. prays that its Counterclaim Petition to Cancel be granted; that Pickin' Cotton Communications, LLC's Registration No. 4,276,293 be cancelled; that Pickin' Cotton Communications, LLC's Notice of Opposition against Application Serial No. 79/103,520 be dismissed; and that Edmund Frette S.A.R.L.'s Application Serial No. 79/103,520 be forwarded for issuance as a registration.

Applicant has previously appointed Jeffrey H. Kaufman, Esquire, and the following attorneys of the firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P., as its attorneys with full powers of substitution and revocation and to transact all business in the United States Patent and Trademark Office in connection with the Notice of Opposition.

Norman F. Oblon	Kathleen Cooney-Porter*	Eckhard H. Kuesters
Marvin J. Spivak	Beth A. Chapman*	Robert T. Pous
Gregory J. Maier	Christopher I. Donahue	Charles L. Gholz
Arthur I. Neustadt	Kyoko Imai	Jean-Paul Lavalleye
Jeffrey H. Kaufman	David H. Aleskow*	Stephen G. Baxter
Roberta S. Bren	Richard D. Kelly	Richard L. Treanor
Jonathan Hudis	James D. Hamilton	Richard L. Chinn

Members of the Bar of Virginia (except as indicated)
*Member of the Bar other than Virginia

Please address all correspondence to **Jeffrey H. Kaufman** at OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P., 1940 Duke Street, Alexandria, Virginia 22314.

We submit the required filing fee at the time of filing. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-2014.

Respectfully submitted,

EDMUND FRETTE S.A.R.L.

By: /jhk/

Jeffrey H. Kaufman
Beth A. Chapman
Oblon, Spivak, McClelland,
Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
fax (703) 413-2220
e-mail: *tmdocket@oblon.com*
Counsel for Applicant

Date: March 1, 2013
JHK/BAC/cli {7898921_2.DOC}

EXHIBIT C

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, May 8, 2012 00:04 AM
To: admin@hoodprepclothing.com
Subject: Trademark Serial Number 85207681: Official USPTO Notice of Allowance

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: May 8, 2012

Serial Number: 85207681
Mark: FRATTY(STANDARD CHARACTER MARK)
Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:
Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at http://www.uspto.gov/teas/index.html (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at http://www.uspto.gov/teas/index.html. Do **NOT** reply to this e-mail, as e-mailed filings will NOT be processed.

Serial Number:	85207681
Mark:	FRATTY(STANDARD CHARACTER MARK)
Docket/Reference Number:	
Owner:	PICKIN' COTTON COMMUNICATIONS, LLC 232 IVORY STREET LAFAYETTE , LOUISIANA 70506
Correspondence Address:	ALFONZO D BOLDEN 232 IVORY STREET LAFAYETTE, LA 70506-5755

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

025 - Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bibs not of cloth or paper; Bottoms; Children's and infants' cloth bibs; Children's cloth eating bibs; Cloth bibs; Cloth bibs for adult diners; Cloth bibs for use by senior citizens or physically- or mentally-challenged persons; Cloth diapers; Clothing extension used to extend the normal size range of clothing items to accommodate pregnancy size changes; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds; Corsets; Dusters; Eyeshades; Foulards; Gloves as clothing; Headbands for clothing; Hoods; Infant and toddler one piece clothing; Infant cloth diapers; Inserts specially adapted for cloth diapers made of bamboo; Inserts specially adapted for cloth diapers made of hemp; Inserts specially adapted for cloth diapers made of microfiber; Jackets; Jerseys; Leather belts; Mantles; Mufflers; Non-disposable cloth training pants; Paper hats for use as clothing items; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Parts of clothing, namely, underarm gussets; Party hats; Perspiration absorbent underwear clothing; Pocket squares; Shifts; Short sets; Shoulder wraps; Shoulder wraps for clothing; Swaddling clothes; Ties; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Underarm clothing shields; Wearable garments and clothing, namely, shirts; Wraps -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to http://tarr.uspto.gov. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=85207681.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

EXHIBIT D

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 09/30/2014)

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85207681
LAW OFFICE ASSIGNED	LAW OFFICE 110
EXTENSION OF USE	NO
MARK SECTION	
MARK	FRATTY
OWNER SECTION	
NAME	PICKIN' COTTON COMMUNICATIONS, LLC
STREET	232 IVORY STREET
CITY	LAFAYETTE
STATE	Louisiana
ZIP/POSTAL CODE	70506
COUNTRY	United States
PHONE	504-609-9226
EMAIL	admin@hoodprepclothing.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
	Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bibs not of cloth or paper; Bottoms; Children's and infants' cloth bibs; Children's cloth eating bibs; Cloth bibs; Cloth bibs for adult diners; Cloth bibs for use by senior citizens or physically- or mentally-challenged persons; Cloth diapers; Clothing extension used to extend the normal size range of clothing items to accommodate pregnancy size changes; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic

CURRENT IDENTIFICATION	garment; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds; Corsets; Dusters; Eyeshades; Foulards; Gloves as clothing; Headbands for clothing; Hoods; Infant and toddler one piece clothing; Infant cloth diapers; Inserts specially adapted for cloth diapers made of bamboo; Inserts specially adapted for cloth diapers made of hemp; Inserts specially adapted for cloth diapers made of microfiber; Jackets; Jerseys; Leather belts; Mantles; Mufflers; Non-disposable cloth training pants; Paper hats for use as clothing items; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Parts of clothing, namely, underarm gussets; Party hats; Perspiration absorbent underwear clothing; Pocket squares; Shifts; Short sets; Shoulder wraps; Shoulder wraps for clothing; Swaddling clothes; Ties; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Underarm clothing shields; Wearable garments and clothing, namely, shirts; Wraps
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/30/2010
FIRST USE IN COMMERCE DATE	11/03/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT

	16\852\076\85207681\xml1\ SOU0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\852\076\85207681\xml1\ SOU0003.JPG
SPECIMEN DESCRIPTION	The specimen consist of two pictures of t-shirts
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/ALFONZO D. BOLDEN/
SIGNATORY'S NAME	/ALFONZO D. BOLDEN/
SIGNATORY'S POSITION	/CO-CEO/
DATE SIGNED	11/03/2012
SIGNATORY'S PHONE NUMBER	504-609-9226
DECLARATION SIGNATURE	/TROY A. BOLDEN/
SIGNATORY'S NAME	/TROY A. BOLDEN/
SIGNATORY'S POSITION	/CO-CEO/
DATE SIGNED	11/03/2012
SIGNATORY'S PHONE NUMBER	504-609-9226
FILING INFORMATION	
SUBMIT DATE	Sat Nov 03 13:38:11 EDT 2012
TEAS STAMP	USPTO/SOU-68.226.181.174-20121103133811703980-85207681-4904a1b772568cf12431 6fba6e43bed140-CC-7180-20121103132526938566

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 09/30/2014)

Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: FRATTY
SERIAL NUMBER: 85207681

The applicant, PICKIN' COTTON COMMUNICATIONS, LLC, having an address of
232 IVORY STREET
LAFAYETTE, Louisiana 70506
United States
is submitting the following allegation of use information:

For International Class 025:
Current identification: Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bibs not of cloth or paper; Bottoms; Children's and infants' cloth bibs; Children's cloth eating bibs; Cloth bibs; Cloth bibs for adult diners; Cloth bibs for use by senior citizens or physically- or mentally-challenged persons; Cloth diapers; Clothing extension used to extend the normal size range of clothing items to accommodate pregnancy size changes; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds; Corsets; Dusters; Eyeshades; Foulards; Gloves as clothing; Headbands for clothing; Hoods; Infant and toddler one piece clothing; Infant cloth diapers; Inserts specially adapted for cloth diapers made of bamboo; Inserts specially adapted for cloth diapers made of hemp; Inserts specially adapted for cloth diapers made of microfiber; Jackets; Jerseys; Leather belts; Mantles; Mufflers; Non-disposable cloth training pants; Paper hats for use as clothing items; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Parts of clothing, namely, underarm gussets; Party hats; Perspiration absorbent underwear clothing; Pocket squares; Shifts; Short sets; Shoulder wraps; Shoulder wraps for clothing; Swaddling clothes; Ties; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Underarm clothing shields; Wearable garments and clothing, namely, shirts; Wraps

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/30/2010, and first used in commerce at least as early as 11/03/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) The specimen consist of two pictures of t-shirts.
Specimen File1
Specimen File2

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of $100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /ALFONZO D. BOLDEN/ Date Signed: 11/03/2012
Signatory's Name: /ALFONZO D. BOLDEN/
Signatory's Position: /CO-CEO/
Signatory's Phone: 504-609-9226

Signature: /TROY A. BOLDEN/ Date Signed: 11/03/2012
Signatory's Name: /TROY A. BOLDEN/
Signatory's Position: /CO-CEO/
Signatory's Phone: 504-609-9226

RAM Sale Number: 7180
RAM Accounting Date: 11/05/2012

Serial Number: 85207681
Internet Transmission Date: Sat Nov 03 13:38:11 EDT 2012

TEAS Stamp: USPTO/SOU-68.226.181.174-201211031338117
03980-85207681-4904a1b772568cf124316fba6
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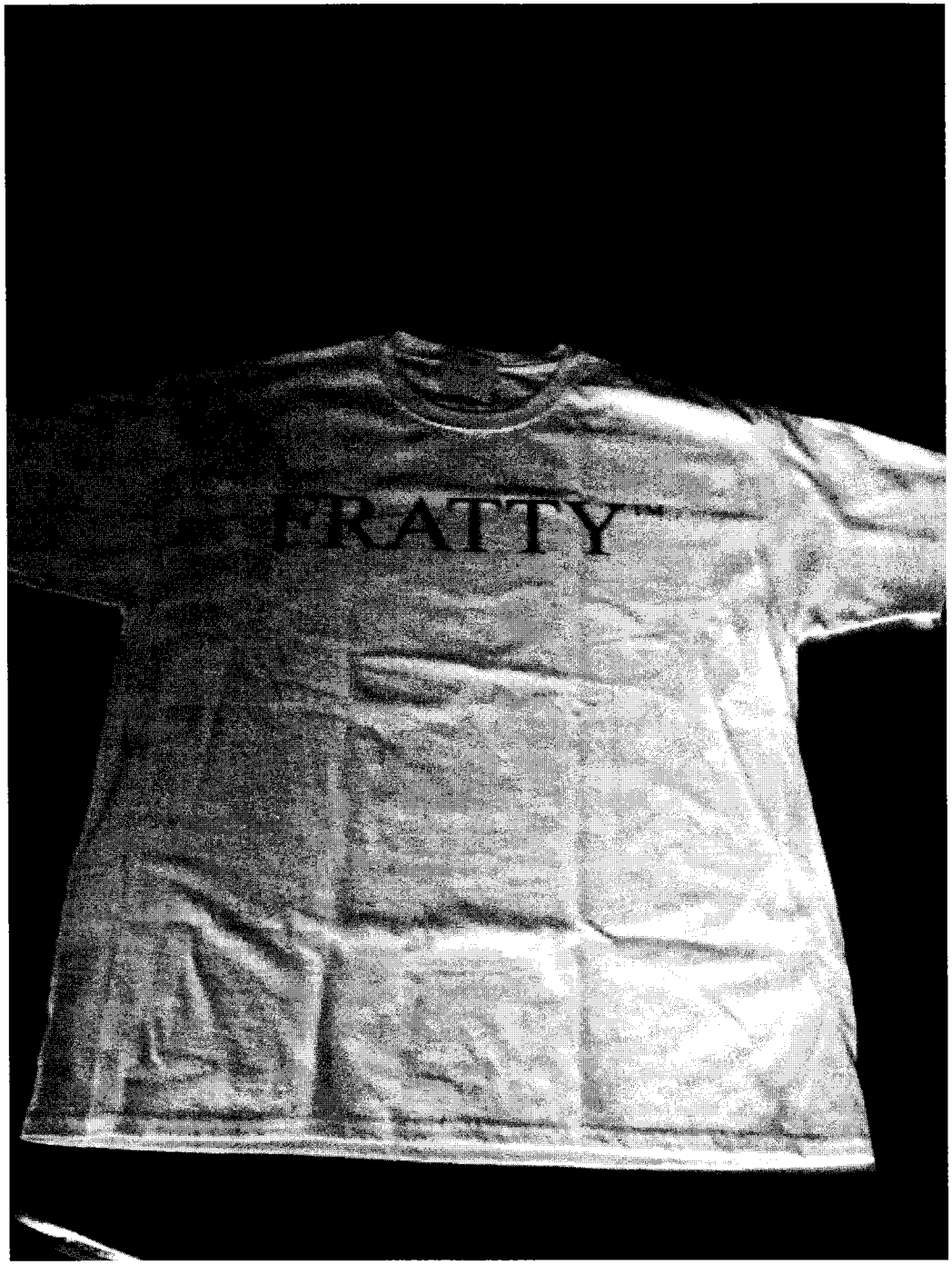
FRATTY™

RATTY

EXHIBIT E

From: TMOfficialNotices@USPTO.GOV
Sent: Thursday, December 13, 2012 00:10 AM
To: admin@hoodprepclothing.com
Subject: Trademark Serial Number 85207681 : Official USPTO Notice of Acceptance of Statement of Use

NOTICE OF ACCEPTANCE OF STATEMENT OF USE

Serial Number: 85207681
Mark: FRATTY(STANDARD CHARACTER MARK)
Owner: PICKIN' COTTON COMMUNICATIONS, LLC
Docket/Reference Number:

The USPTO has accepted the Statement of Use filed for the trademark application identified above. The mark will now register and the registration certificate will issue in due course barring any extraordinary circumstances.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at http://www.uspto.gov/ or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to http://tarr.uspto.gov/.

To view this notice and other documents for this application on-line, go to http://tdr.uspto.gov/search.action?sn=85207681.
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

EXHIBIT F

United States of America

United States Patent and Trademark Office

FRATTY

Reg. No. 4,276,293

Registered Jan. 15, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

PICKIN' COTTON COMMUNICATIONS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
232 IVORY STREET
LAFAYETTE, LA 70506

FOR: ADULT NOVELTY GAG CLOTHING ITEM, NAMELY, SOCKS; BABY LAYETTES FOR CLOTHING; BELTS; BELTS FOR CLOTHING; BELTS MADE OUT OF CLOTH; BIBS NOT OF CLOTH OR PAPER; BOTTOMS; CHILDREN'S AND INFANTS' CLOTH BIBS; CHILDREN'S CLOTH EATING BIBS; CLOTH BIBS; CLOTH BIBS FOR ADULT DINERS; CLOTH BIBS FOR USE BY SENIOR CITIZENS OR PHYSICALLY- OR MENTALLY-CHALLENGED PERSONS; CLOTH DIAPERS; CLOTHING EXTENSION USED TO EXTEND THE NORMAL SIZE RANGE OF CLOTHING ITEMS TO ACCOMMODATE PREGNANCY SIZE CHANGES; CLOTHING FOR ATHLETIC USE, NAMELY, PADDED ELBOW COMPRESSION SLEEVES BEING PART OF AN ATHLETIC GARMENT; CLOTHING FOR ATHLETIC USE, NAMELY, PADDED PANTS; CLOTHING FOR ATHLETIC USE, NAMELY, PADDED SHIRTS; CLOTHING FOR ATHLETIC USE, NAMELY, PADDED SHORTS; CLOTHING FOR BABIES, TODDLERS AND CHILDREN, TREATED WITH FIRE AND HEAT RETARDANTS, NAMELY, PAJAMAS, JACKETS, SHIRTS, PANTS, JUMPERS; CLOTHING FOR WEAR IN JUDO PRACTICES; CLOTHING FOR WEAR IN WRESTLING GAMES; CLOTHING ITEMS, NAMELY, ADHESIVE POCKETS THAT MAY BE AFFIXED DIRECTLY TO THE BODY AS A DECORATIVE PIECE OF CLOTHING WITH UTILITY; CLOTHING ITEMS, NAMELY, ADHESIVE POCKETS THAT MAY BE AFFIXED DIRECTLY TO THE INSIDE OF CLOTHING FOR STORAGE AND SAFEKEEPING OF PERSONAL ITEMS; CLOTHING SHIELDS, NAMELY, PADS APPLIED TO THE UNDERARMS OF SHIRTS, BLOUSES AND SWEATERS; CLOTHING, NAMELY, ARM WARMERS; CLOTHING, NAMELY, ATHLETIC SLEEVES; CLOTHING, NAMELY, BASE LAYERS; CLOTHING, NAMELY, FOLK COSTUMES; CLOTHING, NAMELY, HAND-WARMERS; CLOTHING, NAMELY, KHAKIS; CLOTHING, NAMELY, KNEE WARMERS; CLOTHING, NAMELY, MATERNITY BANDS; CLOTHING, NAMELY, NECK TUBES; CLOTHING, NAMELY, THOBES; CLOTHING, NAMELY, WRAP-AROUNDS; CORSETS; DUSTERS; EYESHADES; FOULARDS; GLOVES AS CLOTHING; HEADBANDS FOR CLOTHING; HOODS; INFANT AND TODDLER ONE PIECE CLOTHING; INFANT CLOTH DIAPERS; INSERTS SPECIALLY ADAPTED FOR CLOTH DIAPERS MADE OF BAMBOO; INSERTS SPECIALLY ADAPTED FOR CLOTH DIAPERS MADE OF HEMP; INSERTS SPECIALLY ADAPTED FOR CLOTH DIAPERS MADE OF MICROFIBER; JACKETS; JERSEYS; LEATHER BELTS; MANTLES; MUFFLERS; NON-DISPOSABLE CLOTH TRAINING PANTS; PAPER HATS FOR USE AS CLOTHING ITEMS; PARTS OF CLOTHING, NAMELY, GUSSETS FOR TIGHTS, GUSSETS FOR STOCKINGS, GUSSETS FOR BATHING SUITS, GUSSETS FOR UNDERWEAR, GUSSETS FOR LEOTARDS AND GUSSETS FOR

David J. Kappos

Director of the United States Patent and Trademark Office

Reg. No. 4,276,293 FOOTLETS; PARTS OF CLOTHING, NAMELY, UNDERARM GUSSETS; PARTY HATS; PERSPIRATION ABSORBENT UNDERWEAR CLOTHING; POCKET SQUARES; SHIFTS; SHORT SETS; SHOULDER WRAPS; SHOULDER WRAPS FOR CLOTHING; SWADDLING CLOTHES; TIES; TOPS; TRAVEL CLOTHING CONTAINED IN A PACKAGE COMPRISING REVERSIBLE JACKETS, PANTS, SKIRTS, TOPS AND A BELT OR SCARF; TRIATHLON CLOTHING, NAMELY, TRIATHLON TIGHTS, TRIATHLON SHORTS, TRIATHLON SINGLETS, TRIATHLON SHIRTS, TRIATHLON SUITS; UNDERARM CLOTHING SHIELDS; WEARABLE GARMENTS AND CLOTHING, NAMELY, SHIRTS; WRAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-30-2010; IN COMMERCE 11-3-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-207,681, FILED 12-30-2010.

DEZMONA MIZELLE, EXAMINING ATTORNEY

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

EXHIBIT G

Attorney Docket No. 398978US33

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

PICKIN' COTTON COMMUNICATIONS, LLC, Opposer, v. EDMUND FRETTE S.A.R.L., Applicant.	)	Opposition No.: 91/204473 Appln. Serial No. 79/103,520 Mark: EDMOND FRETTE

APPLICANT'S MANDATORY INITIAL DISCLOSURES PURSUANT TO RULES 26(a)(1)(A) and (B), FED. R. CIV. P., AND TRADEMARK RULE 2.120(a)(1)

Pursuant to Rule 26(a)(1), Fed.R.Civ.P., and Trademark Rule 2.120(a)(1), Edmund Frette S.A.R.L. ("Applicant") makes the following Mandatory Initial Disclosures. Applicant reserves the right to amend these Disclosures as additional information becomes available or if any information has been inadvertently omitted.

1. The following is a list of the names and contact information of individuals currently known to Applicant who are likely to have knowledge of discoverable facts, along with the possible subjects of their knowledge. Applicant reserves the right to supplement or amend this list with the names of additional persons, when and if they are identified, or those who inadvertently may have been omitted. The identified individuals may have information about subjects other than those identified, which Applicant reserves the right to supplement as discovery progresses.

1.1. Mr. Giuseppe Sordi is likely to have discoverable information regarding Applicant's marketing, advertising, and sales of Applicant's goods offered under Applicant's EDMOND FRETTE mark, as well as the history of Applicant's EDMOND FRETTE brand.

The named person may be contacted through Applicant's counsel.

Applicant reserves the right to supplement or amend this list.

2. The following is a description, by category, of documents, electronic records, and other items that are in Applicant's possession, custody or control that Applicant may use to support its defenses and/or claims in this proceeding, excluding use solely for impeachment, and without waiver of Applicant's right to object to the production or use of any documents based on the existence of any privilege or on evidentiary grounds. Items described below may be found in the records of the USPTO, or at Applicant's counsel's office in Alexandria, Virginia.

Applicant reserves the right to supplement or amend this list.

2.1. Applicant's U.S. Application Serial No. 79/103,520 (EDMOND FRETTE), and the USPTO file history thereof;

2.2. Documents/records relating to Applicant's *bona fide* intention to use the EDMOND FRETTE mark in commerce.

2.3. Documents/records relating to sales, marketing, advertising and promotional materials for Applicant's goods offered under its EDMOND FRETTE mark; and

2.4. Representative materials demonstrating there is not a likelihood of confusion between Applicant's EDMOND FRETTE mark/goods and Opposer's FRATTY mark/goods.

2.5. Documents/information to be obtained demonstrating Opposer has not used the FRATTY mark on every item of goods listed in Opposer's Registration No. 4,276,293.

Respectfully submitted,

EDMUND FRETTE S.A.R.L.

By: /jhk/

Jeffrey H. Kaufman
Beth A. Chapman
Oblon, Spivak, McClelland,
Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
fax (703) 413-2220
e-mail: *tmdocket@oblon.com*
Counsel for Applicant

Date: May 22, 2013

JHK/BAC/cli {7963076_1.DOC}

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S MANDATORY INITIAL DISCLOSURES PURSUANT TO RULES 26(a)(1)(A) and (B), FED.R.CIV.P., AND TRADEMARK RULE 2.120(a)(1) was served on Opposer at the address listed in the records of the Trademark Trial and Appeal Board, this 22nd day of May, 2013, by sending same via First Class mail postage prepaid, and with a courtesy email copy, to:

Matt Fogarty MD
Pickin' Cotton Communications LLC
232 Ivory Street
Lafayette, LA 70506
mfogartymd@hotmail.com

/carlette lisenby/
Carlette Lisenby

EXHIBIT H

Carlette Lisenby

From: Carlette Lisenby
Sent: Thursday, May 30, 2013 11:37 AM
To: 'mfogartymd@hotmail.com'
Cc: Jeffrey H. Kaufman; Beth A. Chapman; '{F3408390}.iManageDB@dms.oblon.com'
Subject: Opposition No. 91/204473; Mark: EDMOND FRETTE [IWOV-IMANAGEDB.FID3408390]
Attachments: Applicants 1st Set of Interrogs.pdf; Applicants 1st Request for Admissions.pdf; Applicants 1st Request for Production.pdf

Please find attached for the above-mentioned matter, courtesy copies of :

1. Applicant's First Set of Interrogatories
2. Applicant's First Request for Production of Documents and Things; and
3. Applicant's First Request for Admissions.

Thank you.

Ms. Carlette Lisenby
Intellectual Property Specialist
Assistant to Beth A. Chapman
Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.
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Alexandria, VA 22314
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clisenby@oblon.com

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