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

Proceeding	91204791
Party	Plaintiff Wounded Warrior Project, Inc
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF APPLICATION SERIAL NO. 85/363,633
PUBLISHED IN THE OFFICIAL GAZETTE ON DECEMBER 20, 2011

WOUNDED WARRIOR PROJECT, INC.,

Opposer,

v.

KEYSTONE WOUNDED WARRIORS
CORPORATION non-profit corporation,

Applicant.

Opposition No. 91204791

OPPOSER'S PRETRIAL DISCLOSURES

COMES NOW, Opposer, Wounded Warrior Project, Inc. (hereinafter "Opposer" or "WWP"), pursuant to 37 C.F.R. 2.121(e), FED. R. CIV. P. 26(a)(3) and TBMP § 702.01 hereby identifies the following potential witnesses that Opposer may call to testify at trial and the following categories of documents that it may introduce into evidence at trial:

A. Potential Witnesses: The following is a list of potential witnesses that Opposer may call to testify at trial:

Ms. Melissa McArthur
Manager, Giving Outreach
Wounded Warrior Project, Inc.
4899 Belfort Road, Suite 300
Jacksonville, FL 32256
(904) 296-7350

Ms. McArthur has knowledge of Keystone Wounded Warriors' (hereinafter "Applicant") donation to WWP and third party events coordination with WWP.

Ms. Ayla Hay
Communications Executive Vice President
Wounded Warrior Project, Inc.
4899 Belfort Road, Suite 300
Jacksonville, FL 32256
(904) 296-7350

Ms. Hay has knowledge regarding Opposer's use of the "Wounded Warrior Project" mark, including fundraising activities and events, marketing, social media, public awareness, news reports and public relations activities involving Opposer's "Wounded Warrior Project" mark.

Mr. Steve Nardizzi
CEO, Executive Director
Wounded Warrior Project, Inc.
4899 Belfort Road, Suite 300
Jacksonville, FL 32256
(904) 296-7350

Mr. Nardizzi has knowledge of Applicant's unauthorized use of the "Keystone Wounded Warriors" mark, WWP's request that Applicant discontinue use of the "Keystone Wounded Warriors" mark, and instances of donor confusion. Mr. Nardizzi also has knowledge regarding Opposer's adoption and use of the "Wounded Warriors Project" mark, including fundraising activities and events.

B. Documents. That following are categories of documents that Opposer may introduce into evidence at trial:

Categories

1. Certificates of registration and other documents on file with the USPTO relating to Opposer's trademark registrations issued by the USPTO.
2. Photographs, videos, print advertisements and other documents reflecting Opposer's use of its WOUNDED WARRIOR PROJECT trademark.
3. Documents and materials demonstrating and relating to Opposer's charitable fundraising activities conducted under the WOUNDED WARRIOR PROJECT trademark.

4. Documents and materials demonstrating and relating to the services provided by Opposer to injured service men and women under the WOUNDED WARRIOR PROJECT trademark.
5. Documents reflecting Opposer's advertising expenditures.
6. Press clippings, videos and other documents evidencing unsolicited press coverage of Opposer and its WOUNDED WARRIOR PROJECT trademark.
7. Screen captures of Opposer's website and social media pages.
8. Screen captures of Applicant's website and social media pages.
9. Photographs and other documents demonstrating Applicant's use of its trademark.
10. Press clippings and other documents demonstrating actual confusion between Applicant's mark and Opposer's mark.
11. Documents and materials demonstrating that Opposer's use of its WOUNDED WARRIOR PROJECT mark predate Applicant's use of its KEYSTONE WOUNDED WARRIORS mark.

Dated this 29th day of September, 2014

WOUNDED WARRIOR PROJECT, INC.,
Opposer

By 

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1650 Farnam Street
Omaha, NE 68102-2186
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CERTIFICATE OF SERVICE

This certifies the undersigned attorney has caused service of **OPPOSER'S PRETRIAL DISCLOSURES** to be made by e-mail sent to sanastasi@barley.com and by mailing, by first-class mail, postage prepaid, to Applicant's counsel Salvatore Anastasi, Esquire, 101 Lindenwood Drive, Suite 100, Malvern, PA 19355, on this 29th day of September, 2014.

By


Patrick C. Stephenson