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

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
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Submission	Opposition/Response to Motion
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Signature	/Suzanne Warfield/
Date	08/01/2013
Attachments	Affidavit of Matthew F. Tilley, counsel for Kerry Earnhardt, Inc.pdf(1378127 bytes )

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

**TERESA H. EARNHARDT,**

**Opposer,**

v.

**KERRY EARNHARDT, INC.,**

**Applicant.**

**TERESA H. EARNHARDT,**

**Opposer,**

v.

**KERRY EARNHARDT, INC.,**

**Applicant.**

**Opposition No.: 91205331 (parent)**

**Application Serial No. 85/383,910**

**Trademark: EARNHARDT COLLECTION  
(Intl. Class 20)**

**Opposition No.: 91205338**

**Application Serial No. 85/391,456**

**Service Mark: EARNHARDT COLLECTION  
(Intl. Class 37)**

I, **MATTHEW F. TILLEY**, being first duly sworn, states as follows:

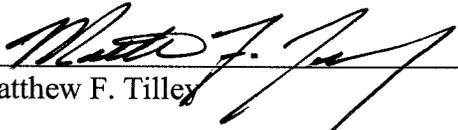
1. I am of sound mind, over 21 years of age and have personal knowledge about the matters set forth in this Affidavit.

2. I am a licensed, practicing attorney and counsel for Kerry Earnhardt, Inc.

3. True and correct copies of the following documents are attached hereto as exhibits:

- **Exhibit 1.** Applicant's Responses to Opposer's First Set of Interrogatories;
- **Exhibit 2.** "Collection" WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY, UNABRIDGED 355 (Jean L. McKechnie, et al., eds., 2d Ed. 1983).
- **Exhibit 3.** "Collection" AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 327 (3d Ed. 1996).

**FURTHER AFFIANT SAYETH NOT.**

  
Matthew F. Tilley

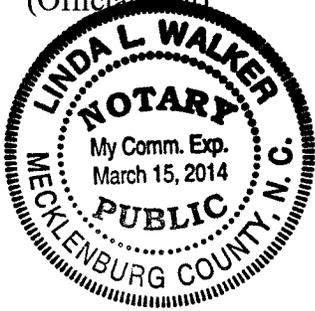
Sworn to and subscribed before me,  
this 1<sup>st</sup> day of August, 2013.

  
Notary Public

Linda L. Walker  
Printed Name

My commission expires: March 15, 2014

(Official Seal)

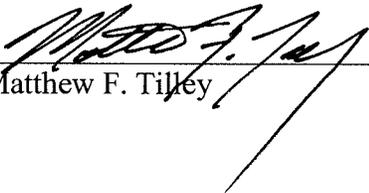


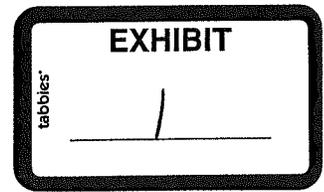
## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the party listed below by depositing same in the United States mail, postage prepaid, in an envelope(s) addressed as follows:

Larry C. Jones  
Carla H. Clements  
Alston & Bird LLP  
101 S. Tryon Street, Suite 4000  
Charlotte, North Carolina 28280-4000  
Telephone: (704) 444-1000  
Larry.jones@alston.com  
Carla.clemments@alston.com

This 1st day of August, 2013.

  
Matthew F. Tilley



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

**TERESA H. EARNHARDT,**  
**Opposer,**  
**v.**  
**KERRY EARNHARDT, INC.,**  
**Applicant.**

**Opposition No.: 91205331 (parent)**  
**Application Serial No. 85/383,910**  
**Trademark: EARNHARDT COLLECTION**  
**(Intl. Class 20)**

**TERESA H. EARNHARDT,**  
**Opposer,**  
**v.**  
**KERRY EARNHARDT, INC.,**  
**Applicant.**

**Opposition No.: 91205338 (parent)**  
**Application Serial No. 85/391,456**  
**Service Mark: EARNHARDT COLLECTION**  
**(Intl. Class 37)**

**APPLICANT'S RESPONSES TO  
OPPOSER'S FIRST SET OF INTERROGATORIES**

**GENERAL OBJECTIONS**

1. Applicant objects to the scope of each interrogatory to the extent that it:
  - a. seeks information that was prepared or obtained by Applicant's attorney in anticipation of any litigation within the scope of the work-product privilege;
  - b. seeks information that constitutes confidential attorney-client communications;
  - c. contains "definitions" or "instructions" that are overly broad, are unduly burdensome, exceed the proper scope of discovery under the Federal Rules of Civil Procedure

and the Trademark Rules of Practice (collectively, the Rules), or impose duties and obligations on Opposer that exceed the duties and obligations imposed by the Rules;

d. seeks documents or information which are proprietary, commercially confidential, commercially sensitive, or trade secret, which documents or information will be disclosed and produced only if genuinely relevant to the issues in this action and pursuant to the mutually-agreed terms of a protective order limiting the use and disclosure of such documents or information.

2. Applicant has made a good faith, reasonable effort to locate documents and information responsive to Opposer's document requests. Applicant disclaims any obligation to undertake any search beyond that which is reasonable under the circumstances.

3. Applicant assumes no duty to supplement its responses except to the extent required by Rule 26(e) of the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing general objections, Applicant responds to Opposer's discovery requests as follows:

### **RESPONSE TO INTERROGATORIES**

#### **Interrogatory No. 1:**

(a) Identify each person (other than Applicant, Opposer and their related companies and licensees) known or believed by Applicant to be using currently in this country any trademark or service mark which includes the surname Earnhardt and which does not also include a given name (which marks are referred to collectively hereinafter as "Earnhardt Surname Only Marks").

(b) For each person identified in response to Interrogatory No. 1(a), state the following:

- i. The particular Earnhardt Surname Only Mark known or believed by Applicant to be currently used in this country by that person;
- ii. The particular goods or services on or in conjunction with which each such Earnhardt Surname Only Mark is known or believed by Applicant to be used in this country; and

iii. The date of earliest known use in this country of each such mark.

**RESPONSE:**

Applicant is not aware of any such persons as defined in Interrogatory No. 1.

**Interrogatory No. 2:**

Identify each person who will testify or is expected to be called as an expert witness on behalf of Applicant in this proceeding, and state: (a) the subject matter upon which each such witness is expected to testify; (b) the substance of the facts and opinions as to which the expert is expected to testify; and (c) a summary of the grounds for each opinion.

**RESPONSE:**

Applicant has not yet decided whom, if anyone, it expects to call as an expert witness in this proceeding. Applicant will supplement this response in accordance with Rule 26(e) if and when appropriate.

**Interrogatory No. 3:**

State separately for each employee, agent, representative or other person affiliated with Applicant residing or having an office located in this country and who is responsible for, or is expected to be responsible in the future for, the manufacture, marketing, promotion, provision and/or sales of furniture goods or custom home construction services under the EARNHARDT COLLECTION mark: that person's name, the title(s) of the office(s) or affiliation(s) of that person relating to Applicant, and the address of the principal facility at which that person is regularly employed or doing business.

**RESPONSE:**

Applicant objects to this interrogatory insofar as it asks Applicant to identify those persons "expected to be responsible" for manufacturing or marketing goods or services under the EARNHARDT COLLECTION mark "in the future" on the grounds that such request calls for speculation. Notwithstanding this objection, Applicant states:

1. Schumacher Home Operations, Inc. ("Schumacher")  
2715 Wise Ave. NW

Canton, Ohio 44708

Schumacher is a provider of custom home design and construction services. Schumacher markets, promotes, and sells a line of custom home designs under the EARNHARDT COLLECTION mark pursuant to the terms of a license agreement with Applicant.

2. Kerry Earnhardt  
445 Patterson Farm Road  
 Mooresville, North Carolina; 28115

Kerry Earnhardt is part owner and CEO of Applicant and provides promotional and entertainment services to and on behalf of Applicant.

3. Rene Earnhardt  
445 Patterson Farm Road  
 Mooresville, North Carolina; 28115

Rene Earnhardt is part owner and President of Applicant and provides promotional and entertainment services to and on behalf of Applicant.

**Interrogatory No. 4:**

Identify the persons employed by or otherwise associated with Applicant who are most knowledgeable concerning the past and anticipated future use of the EARNHARDT COLLECTION mark by Applicant (including any such use by any related company, licensee or other person) in this country and the various products and services sold or to be sold thereunder.

**RESPONSE:**

Kerry Earnhardt, Rene Earnhardt, and Joe Hedrick.

**Interrogatory No. 5:**

Identify and describe with particularity the business, products and services of Applicant and each licensee or other related company in this country, to the extent that they relate to products and services sold or to be sold under the EARNHARDT COLLECTION mark.

**RESPONSE:**

Applicant's business includes promotional and entertainment services, including Kerry Earnhardt's appearances, both as guest and co-host, on television shows related to outdoor recreation; Kerry Earnhardt's participation in automobile races and other exhibitions; personal appearances by Kerry Earnhardt and Rene Earnhardt; and the promotion, advertisement, and sale of licensed merchandise and services.

Schumacher is a designer and builder of custom homes marketed and sold to customers on a "turn-key" basis under a design-build model. Applicant licenses Kerry and Rene Earnhardt's names and likenesses to Schumacher and provides other promotional services in connection with Schumacher's advertisement, promotion, and sale of a line of custom home designs which it promotes under the mark EARNHARDT COLLECTION. Schumacher's EARNHARDT COLLECTION line currently includes twenty-two home designs, which it has developed in collaboration with Kerry and Rene Earnhardt. The designs include architectural features intended to appeal to fans of Kerry and Rene Earnhardt and their widely-recognized interest in the outdoors and outdoor activities.

**Interrogatory No. 6:**

Identify all locations of facilities from which the business of Applicant (or any related company, licensee or other person) has been or is conducted in this country concerning the manufacture, marketing, promotion, advertising or sales of products or services under the EARNHARDT COLLECTION mark, and for each location identify the senior officer or manager(s) thereof and the types of business activities conducted or to be conducted at or from that location.

**RESPONSE:**

Applicant maintains its principal office in Mooresville North Carolina, at the following address: 445 Patterson Farm Road; Mooresville, North Carolina; 28115. Schumacher maintains its principal office in Canton, Ohio at the following address: Schumacher Home Operations,

Inc.; 2715 Wise Ave. NW; Canton, Ohio; 44708. Schumacher markets its custom home design and construction services through a number of design centers, located in Arkansas, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. These design centers are operated by Schumacher's staff, and Applicant is without knowledge as to who the manager or senior officer is at each location. Services provided at these outlets include design and contracting services for the construction of custom homes, as well as services to help owners secure financing and to acquire land for their projects.

**Interrogatory No. 7:**

If Applicant now has, or ever had, any agreement or understanding, either written or oral (including, but not limited to, covenants not to sue or challenge, settlement agreements, licenses, buying/selling or agency agreements, distributorship agreements, joint venture agreements, etc.), concerning any use or non-use of the EARNHARDT COLLECTION mark, then, for each such agreement or understanding, identify all parties to the agreement or understanding, including all individuals participating in its creation, and state the nature and substance of the agreement or understanding and the circumstances which lead to its existence.

**RESPONSE:**

Applicant, Kerry Earnhardt, and Rene Earnhardt have entered into a Licensing Agreement with Schumacher dated July 1, 2011, which grants Schumacher license to use the mark EARNHARDT COLLECTION in connection with the sale and marketing of custom home design and construction services. The terms of the licensing agreement are confidential and contain commercially-sensitive information; Applicant therefore objects to this interrogatory to the extent it seeks such information. Notwithstanding this objection, Applicant will produce the Licensing Agreement pursuant to the mutually-agreed terms of a protective order that protects and limits its use and disclosure.

**Interrogatory No. 8:**

State all ways in which Applicant (or any licensee or other related company of Applicant) has used or plans to use the EARNHARDT COLLECTION mark (including an identification of all materials on which said mark has been or will be used), and when each such use began or will begin.

**RESPONSE:**

Applicant and Schumacher use the EARNHARDT COLLECTION mark in connection with the advertisement and sale of custom home design and construction services. Applicant and Schumacher have used and intend to use the EARNHARDT COLLECTION mark in print, electronic, and broadcast media, including but not limited to brochures, websites, print and radio advertisements, in-person exhibitions, direct sales, personal appearances by Kerry and Rene Earnhardt, and social media, to promote Schumacher's custom home building and design services. Applicant and Schumacher's use of the EARNHARDT COLLECTION mark began on or before October 12, 2011. In addition, Applicant and Schumacher intend to use the EARNHARDT COLLECTION mark in connection with the marketing and sale of home furnishings at a time yet to be determined. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, Applicant directs Opposer to those documents produced in response to Opposer's Request for Production of Documents Nos. 3, 5, 9, 10, and 21, from which any further information sought by this interrogatory may be ascertained, including information regarding the "materials" on which the EARNHARDT COLLECTION mark has been used.

**Interrogatory No. 9:**

(a) Identify with particularity each different type of product or service ever provided, offered for sale or sold, or to be provided, offered for sale or sold, in this country by Applicant (or any licensee or other related company) under the EARNHARDT COLLECTION mark.

(b) Separately for each type of product or service identified in response to Interrogatory No. 9(a), state in detail:

- (i) the date on which Applicant (or any licensee or other related company) commenced or will commence providing, offering for sale or selling each such type of product or service under said mark;
- (ii) the type(s) of customers who purchased or will purchase directly from Applicant (or any licensee or other related company) each such type of product or service (e.g., particular types of business entities and/or members of the general public);
- (iii) the manner in which the EARNHARDT COLLECTION mark has been or will be used in connection with each type of product or service or its promotion (e.g., displayed on sewn-in labels, hang tags, etc.); and
- (iv) the gross revenue generated annually by sales of such products and services by Applicant and its licensees or other related companies, if any, for each calendar year in which such products and services have been sold or provided, including, without limitation, that portion of the current year through the date on which this interrogatory is answered.

**RESPONSE:**

(a) See Applicant's response to Interrogatory No. 8, above.

(b) (i) Applicant and Schumacher commenced use of the EARNHARDT COLLECTION mark in connection with the design and construction of custom homes on or before October 12, 2011.

(ii) Customers of Schumacher's custom home design and construction services are typically individuals or families who wish to build a custom-designed home that will be delivered to them on a turn-key basis. These customers include persons who already own land on which they wish to build as well as those who seek to acquire land on which to do so. Home designs marketed under the EARNHARDT COLLECTION mark are directed to customers who have an affinity for Kerry and Rene Earnhardt, and share their interests in outdoor recreation and family activities. To this end, the EARNHARDT COLLECTION line of home designs features open floor plans, natural materials, substantial indoor-outdoor spaces to

promote informal gathering, and other characteristics that appeal to customers who enjoy outdoor recreation with their families.

(iii) See Applicant's response to Interrogatory No. 8, above.

(iv) Applicant objects to the request in this subpart on the basis that it seeks information that is confidential and / or commercially sensitive. Notwithstanding this objection, Applicant will provide non-privileged information responsive to this request pursuant to the mutually-agreed terms of a protective order limiting the use and disclosure of such information.

**Interrogatory No. 10:**

Describe in full and with particularity each stage and aspect of the channel(s) of trade through which products and services are marketed and sold, or will be marketed and sold, under the EARNHARDT COLLECTION mark (including, without limitation, descriptions of the types of distributors, sales representatives, retailers and classes of retail customers involved in each stage thereof).

**RESPONSE:**

Applicant and Schumacher market and sell home designs under the EARNHARDT COLLECTION mark directly to customers through sales representatives located at Schumacher's design centers as described above or made available through call centers.

**Interrogatory No. 11:**

(a) Identify all types of media (e.g., newspapers, magazines, television, radio, Internet website, etc.) in which Applicant and/or any licensee, wholesaler, distributor, sales representative or retailer of products or services sold by Applicant or any licensee or other related company under the EARNHARDT COLLECTION mark is known or believed by Applicant to have advertised or promoted those products or services; and

(b) For each type of media identified in response to subpart (a) of this interrogatory, identify and describe with particularity the manner and instances in which such advertisements and promotions have been published (e.g., the name, date and page number of each newspaper in which such advertisement was published).

- (c) (i) State separately for each year the approximate amount spent by Applicant and/or any licensee or other related company or other person through and including that portion of the current year through the date on which this interrogatory is answered, for advertisements and promotional materials which promoted the sale of products or services under the EARNHARDT COLLECTION mark and, in doing so, included references to Applicant's EARNHARDT COLLECTION mark; and
- (ii) identify and describe with particularity each media (e.g., newspaper, magazine, etc.) and instance in which each such advertisement or promotional material was published.

**RESPONSE:**

Applicant objects to this interrogatory as overly broad and unduly burdensome.

Notwithstanding this objection, Applicant states as follows:

(a) Applicant and Schumacher advertise custom home design and construction services under the EARNHARDT COLLECTION mark through newspapers, magazines, radio, television, and the internet, as well as the Schumacher's website, [www.schumacher.com](http://www.schumacher.com). In addition, these products and services are promoted and marketed through model homes located at Schumacher's various design centers and personal appearances by Kerry and Rene Earnhardt at trade shows, press conferences, and promotional events.

(b) Applicant objects to the request in this subpart as overly broad and unduly burdensome. Notwithstanding this objection, Applicant, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, directs Opposer to those documents produced in response to Opposer's Request for Production of Documents Nos. 3, 5, 10, and 21, from which the information sought by this subpart may be obtained.

(c) (i) Applicant objects to the request in this subpart on the grounds that it seeks information (a) that is confidential and / or commercially sensitive or outside the custody and (b) not within the knowledge of or available to Applicant. Notwithstanding this Objection, Applicant states that it will provide non-privileged information responsive to this request

pursuant to the mutually-agreed terms of a protective order limiting the use and disclosure of such information, if any.

(ii) Applicant objects to the request in this subpart as unduly burdensome in that it essentially repeats the request in subpart (b) and Applicant directs Opposer to Applicant's response to that request.

**Interrogatory No. 12:**

If Applicant (including any related company or other person) or its counsel has ever caused a consumer survey or any other study or analysis to be made, on a formal or informal basis, concerning the EARNHARDT COLLECTION mark, EARNHARDT, or any other EARNHARDT formative designation, including, but not limited to, a survey involving the likelihood of confusion relating to said mark or designation, identify the individuals who were involved in each such survey, study or analysis (e.g., planners, interviewers, supervisors, interviewees, survey agency, etc.) and describe in detail the results of that survey, study or analysis.

**RESPONSE:**

Applicant is not aware of any such survey.

**Interrogatory No. 13:**

(a) Identify each person who has made or received any statement reflecting confusion, inquiry or comment (written or oral) concerning the relationship, or whether any such relationship exists, between Applicant (including any related company or other person) or the products or services marketed under the EARNHARDT COLLECTION mark, on the one hand, and, on the other hand, Opposer, her related entities, or the products and services of Opposer or her licensees or other related entities.

(b) For each such instance, describe in detail the circumstances of the statement, inquiry or comment, including the identification of each person having any knowledge thereof.

**RESPONSE:**

Applicant is not aware of any such statements.

**Interrogatory No. 14:**

Describe in detail the prior experience, if any, of Applicant and its officers pertaining to the manufacture, marketing or sales of furniture goods and custom home construction services.

**RESPONSE:**

Applicant objects to this interrogatory on the grounds that it does not seek information relevant to the subject matter of this proceeding. Notwithstanding this objection, Applicant states as follows: Kerry and Rene Earnhardt consulted regularly with Schumacher's architects and interior designers prior to the launch of the EARNHARDT COLLECTION line of home designs to ensure that those designs reflected their personal brand and appealed to their fans, particularly those who have an affinity for outdoor recreation and family activities. Kerry and Rene Earnhardt also directed and managed the construction and furnishing of their own custom home. Kerry Earnhardt served as project manager for the construction of the couple's home and, in that role, managed permitting and contracting for the project. In or around 1991, Kerry Earnhardt helped Opposer and his father, Dale Earnhardt, construct a deck on their home.

**Interrogatory No. 15:**

Describe in detail the plans and preparations of Applicant insofar as they relate to the manufacture, marketing and sales of furniture goods and custom home construction services in this country under the EARNHARDT COLLECTION mark.

**RESPONSE:**

Applicant objects to the demand that describe the requested information "in detail" as overly broad and unduly burdensome. Applicant objects to this interrogatory on the grounds that it seeks information that is confidential, commercially sensitive, and/or trade secret. Notwithstanding this objection, Applicant will provide non-privileged information responsive to

this request pursuant to the terms of a mutually-agreed protective order limiting the use and disclosure of such information.

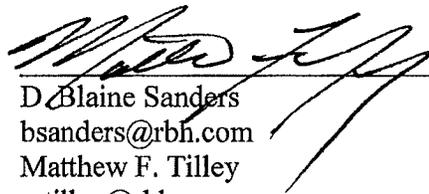
**Interrogatory No. 16:**

If, answering any of the foregoing Interrogatories, Applicant consulted others regarding same or has relied on information supplied to it by others, identify each such person who supplied information for any particular interrogatory and specify each interrogatory response to which each such person contributed.

**RESPONSE:**

Applicant states as follows: Kerry Earnhardt, Rene Earnhardt, and Joe Hedrick

This 3<sup>rd</sup> day of January, 2013.



---

D Blaine Sanders  
bsanders@rbh.com  
Matthew F. Tilley  
mtilley@rbh.com

ROBINSON, BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, NC 28246-1900  
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*Attorneys for Applicant Kerry Earnhardt, Inc.*

STATE OF NORTH CAROLINA

COUNTY OF Tredell

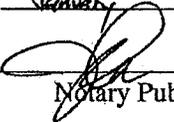
VERIFICATION

Rene Earnhardt, being first duly sworn, deposes and says that she is the President of Kerry Earnhardt, Inc., the applicant in the foregoing action, that she has read the foregoing Responses to Opposer's First Set of Interrogatories and knows the contents thereof, and that the same is true and correct to the best of her information and belief based upon information obtained from corporate documents and other persons.



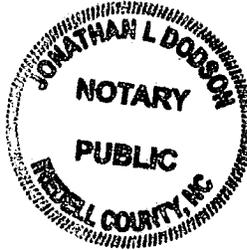
Rene Earnhardt  
President  
Kerry Earnhardt, Inc.

Subscribed and Sworn to  
before me this 2<sup>nd</sup> day  
of January, 2013.

  
\_\_\_\_\_  
Notary Public Jonathan L. Dodson

My Commission Expires: 05/02/2015

[NOTARIAL SEAL]

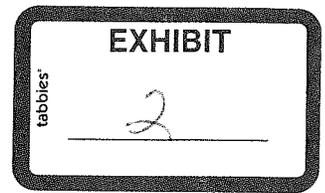


**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES** was duly served on Opposer by depositing a copy of same in the United States mail, first-class postage prepaid, on the 3<sup>rd</sup> day of January, 20 12, addressed to Applicant's attorney of record as follows:

Larry C. Jones, Esq.  
Alston & Bird LLP  
101 S. Tryon Street  
Charlotte, North Carolina 28280-4000

  
Matthew F. Tilley



WEBSTER'S  
NEW  
TWENTIETH CENTURY  
DICTIONARY  
OF THE  
ENGLISH LANGUAGE  
UNABRIDGED

SECOND EDITION

BASED UPON THE BROAD FOUNDATIONS LAID DOWN BY

Noah Webster

EXTENSIVELY REVISED BY THE PUBLISHER'S EDITORIAL STAFF UNDER THE GENERAL SUPERVISION OF

JEAN L. McKECHNIE

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A WEBSTER'S NEW WORLD DICTIONARY  
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ROBINSON, CRADSHAW & HINSON, P.A.  
1900 INDEPENDENCE CENTER  
101 N. TRYON STREET  
CHARLOTTE, NC 28246

## collapsibility

**collaps-i-bil'i-ty**, *n.* the quality or condition of being collapsible.

**collaps'i-ble**, *a.* made so that it can be folded up compactly.

**collap'sion**, *n.* a state of falling together or collapsing. [Obs.]

**coll'lar**, *n.* [ME. *coller*; OFr. *coler*, *colier*; L. *collare*, a band or chain for the neck, from *collum*, neck.]

1. the part of a dress, blouse, coat, shirt, etc. that encircles the neck.

2. the cloth band or folded-over piece attached to the neck of a shirt, blouse, dress, etc.

3. an ornamental band, chain, or circlet worn around the neck.

4. a band of leather or metal for a dog's neck.

5. a leather-covered roll for the neck of a horse or other draft animal; part of the harness against which the animal strains in pulling a weight.

6. a ring or flange, as on rods, shafts, or pipes, to prevent sideward motion, connect parts, etc.

7. a distinctive band, as of a different color, marking, or texture, around the neck of an animal, bird, etc.

8. the foam that forms on the top of a glass of beer.

9. in architecture, (a) a band or cincture; (b) a collar beam.

10. in botany, (a) the ring upon the stem of an agaric; (b) the point of divergence of the root and stem of a plant.

11. a steel ring which confines a planchet, in coining, and prevents spreading under the pressure of the coining press.

12. in nautical usage, (a) an eye in the end or bight of a shroud or stay, to slip over a masthead; (b) a rope formed into a wreath with a heart or deadeye in the bight, to which the stay is confined at the lower part.

13. in mining, the curb or lining of a shaft.

**coll'lar**, *v.t.*; *collared*. *pl.*, *pp.*; *collaring*, *ppr.*

1. to seize by or as by the collar; to capture.

2. to furnish with a collar.

3. to roll up and bind (meat, etc.).

4. to stop and talk to; as, she *collared* him in the hall. [Colloq.]

**coll'lar beam**, a beam or piece of timber extending between two opposite rafters, at some height above their base.

**coll'lar-bird**, *n.* the bower bird of Australia, genus *Chlamydobera*.

**coll'lar-bone**, *n.* a flat, slender bone reaching from the breastbone to the shoulder; the clavicle.

**coll'lar but'ton**, a small button, sometimes detachable, for fastening a shirt collar.

**coll'lar'd**, *n.* [contr. from *colwort*.] a kind of kale whose coarse leaves are borne in tufts.

**coll'lar d'ay**, a day formerly observed in England, on which knights appeared at court wearing the jeweled collars of their orders.

**coll'lar'ed**, *a.* 1. having a collar about the neck; used especially in heraldry; as, a *collared* lion.

2. bound up in a roll, as a joint of meat.

**coll'lar-et'**, **coll'lar-ette'**, *n.* [Fr. *collariette*, from L. *collare*, collar.] a short cape, broad collar, or fichu, made of lace, fur, or other material, worn by women.

**coll'lar'á-ble**, *a.* capable of being collated.

**coll'lar'ate'**, *v.t.*; *collated*. *pl.*, *pp.*; *collating*, *ppr.* [L. *collatus*, pp. of *conferre*, to bring together; *com-*, together, and *ferre*, to carry.]

1. to compare carefully, as texts, by examining point by point; as, to *collate* copies of the scriptures.

2. to present and institute (a clergyman) in a benefice, when the same person is both the ordinary and the patron; followed by *to*.

If the patron neglects to present, the bishop may *collate* his clerk to the church.

—Blackstone.

3. to bestow or confer. [Obs.]

4. to examine (the sheets of a book to be bound) to see that the pages, plates, etc. are in proper order.

5. in library usage, to examine (a book) page by page to see that none are missing.

**coll'lar'at'**, *v.t.* to place a cleric in a benefice.

**coll'lar'er-ál**, *a.* [ME. *collateral*; L. *com-*, together, and *lateralis*, lateral, from *latus*, side.]

1. side by side; parallel.

2. accompanying; concomitant.

3. of a similar but subordinate nature; secondary.

4. of corresponding value or importance.

5. descended from the same ancestors but

in a different line; as, Franklin D. Roosevelt and Theodore Roosevelt were *collateral* relatives.

6. designating or of security given as a pledge for the fulfillment of an obligation; hence, secured or guaranteed by property, as stock, bonds, etc.; as, a *collateral* loan.

*collateral assurance*; in law, assurance made in addition to the principal deed.

*collateral issue*; in law, an issue aside from the main question in the case.

*collateral security*; additional security, as property, a bill of sale, a stock certificate, or any other pledge deposited to secure the performance of a contract or the discharge of an obligation.

**coll'lar'er-ál**, *n.* 1. a collateral relative or kinsman.

2. anything of value pledged as additional security for the performance of the main obligation; collateral security; it is returned to the debtor when the obligation is fulfilled.

**coll'lar'er-ál-ly**, *adv.* 1. side by side.

2. indirectly; in the nature of a side issue.

3. in collateral relation; not in a direct line; not lineally.

**coll'lar'er-ál-ness**, *n.* the state of being collateral.

**coll'lar'ation**, *n.* [ME. *collacioun*; OFr. *collacion*, discourse; L. *collatio*, *collatio*, a bringing together, collection, from *com-*, together, and *latu*, pp. of *ferre*, to bring.]

1. the act, process, or result of collating or comparing; a comparison of one copy, text, etc. with another.

2. the act of conferring or bestowing. [Obs.]

3. the appointment of a clergyman to a benefice.

4. in Scots law, the right which an heir has of throwing the whole heritable and movable estates of the deceased into one mass, and sharing it equally with others who are of the same degree of kindred.

5. a compilation; specifically, a collection of the lives of the fathers of the church; also, the act of reading and discussing this or some other religious book, a practice instituted in monasteries by St. Benedict.

6. a light repast; a term originally applied to the meal eaten by monks in monasteries after the reading of a religious book, as one containing the lives of the saints.

7. in bookbinding, the assembling of the printed sheets for a final inspection previous to binding.

8. a conference or consultation.

9. in library usage, the technical description of a book, including the number of pages, illustrations, etc.

*collation of seals*; the comparison of a seal with one whose authenticity is unquestioned to determine the reliability of the former.

**coll'lar'tion**, *v.i.* to partake of a light meal. [Obs.]

**coll'lar'tious** (-tish'us), *a.* done by contributions. [Obs.]

**coll'lar'tive**, *a.* 1. having the power to confer or bestow.

2. bestowed or held by collation.

**coll'lar'tör**, *n.* 1. one who collates or compares manuscripts or editions of books.

2. one who collates to a benefice.

3. one who grants any benefit or bestows a gift of any kind.

**coll'league** (-lég), *n.* [Fr. *collègue*; L. *collega*, *conlega*, a colleague; *com-*, together, and *legatus*, pp. of *legare*, to choose for an embassy.] a fellow worker in the same profession; a partner or associate in office.

*Syn.*—collaborator, associate, companion, coadjutor, ally, confederate.

**coll'league'**, *v.i.* to unite with one or more associates in the same office. [Rare.]

**coll'league-ship**, *n.* the state of being a colleague.

**coll'lect'**, *v.t.*; *collected*, *pl.*, *pp.*; *collecting*, *ppr.* [OFr. *collecter*, to collect, from L. *collectus*, pp. of *colligere*, to collect; *com-*, together, and *legere*, to gather.]

1. to gather together; to assemble or bring together; as, to *collect* men into an army; to *collect* ideas.

2. to gain by observation or information; as, to *collect* news.

3. to gather from premises; to infer. [Rare.] Which sequence, I conceive, is very ill *collected*. —Locke.

4. to receive or compel payment of, as debts; to demand and receive; as, to *collect* taxes; to *collect* accounts.

## collective

5. to obtain from contribution.

6. to gather (stamps, books, etc.) for a hobby.

7. to regain control of (oneself or one's wits); to summon up (one's faculties or powers).

*Syn.*—accumulate, assemble, amass, gather, congregate, convoke, garner, reap, convene, muster, aggregate, summon.

**coll'lect'**, *v.i.* 1. to run together; to accumulate; as, pus *collects* in an abscess; snow *collects* in banks.

2. to gather; to assemble.

3. to collect payments, etc.; as, the landlord *collects* on the first of the month.

**coll'lect'**, *a.* and *adv.* with payment to be made by the receiver; as, he telephoned *collected*.

**coll'lect**, *n.* [ME. and OFr. *collecte*; LL. *collecta*, a gathering together of ideas from the day's reading; from L. *collectus*, pp. of *colligere*, from *com-*, together, and *legere*, to gather.]

1. a short prayer suitable to the time or occasion, used in certain church services.

2. a collection or gathering of money. [Obs.]

**coll'lect'á-ble**, *a.* and *n.* See *collectible*.

**coll'lect-á'nē-á**, *n.pl.* [LL., things collected, from L. *collectaneus*, gathered or collected.] a collection of passages from various authors, usually made for the purpose of instruction; an anthology.

**coll'lect'ed**, *a.* 1. gathered together; assembled.

2. calm and self-possessed; undisturbed; not disconcerted; cool; composed.

*Syn.*—calm, composed, cool, placid, serene, unmoved.

**coll'lect'ed-ly**, *adv.* 1. in a collected form or condition; in one body.

2. in a cool, self-possessed state of mind.

**coll'lect'ed-ness**, *n.* a collected state of the mind; self-possession.

**coll'lect'í-ble**, *a.* 1. that can be collected.

2. suitable for collecting, as for a hobby.

**coll'lect'í-ble**, *n.* any of a class of old things, but not antiques, that people collect as a hobby, specifically a thing of no great intrinsic value.

**coll'lect'ion**, *n.* [L. *collectio*, a bringing together, from *collectus*, pp. of *colligere*, to collect.]

1. the act or process of collecting.

2. the body formed by gathering; an assemblage, or assembly; as, a *collection* of books or paintings; a *collection* of strangers.

3. a contribution; a sum collected for a charitable or religious purpose, especially during a meeting or religious service.

4. something that has gathered into a mass or pile; accumulation; as, a *collection* of dust.

5. [*pl.*] in English universities, an examination held at the end of a semester.

*Syn.*—assembly, assemblage, store, gathering, group, accumulation, aggregation, compilation, company, crowd, quantity, mass.

**coll'lect'ive**, *a.* [L. *collectivus*, collective, from *collectus*, pp. of *colligere*, to collect.]

1. formed by gathering or assembling; gathered into a mass, sum, or body; congregated, or aggregated.

2. deducing consequences; reasoning; inferring. [Obs.]

3. of, as, or characteristic of a group; of or characteristic of individuals acting together; common to several or many; as, the *collective* effort of the students.

4. designating or of any enterprise in which people work collectively; as, there are *collective* farms in the Soviet Union.

5. in grammar, designating a noun which in the singular form denotes a collection of individuals (e.g., army, orchestra, crowd): it is treated as singular when the collection is thought of as a whole and as plural when the individual members are thought of as acting separately.

*collective bargaining*; bargaining carried on between an employer, or employers, and an organized group of workers in order to reach an agreement on wages, hours, working conditions, etc.

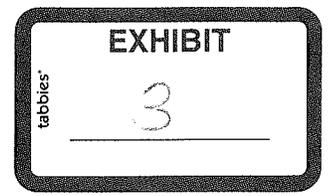
*collective fruit*; in botany, any fruit formed by a fused cluster of the ovaries of several flowers, as the pineapple, the mulberry, etc.: called also *multiple fruit*.

*collective security*; a system of international security in which the participating nations agree to take joint action against a nation that attacks any one of them.

**coll'lect'ive**, *n.* 1. in grammar, a collective noun.

2. any collective enterprise.

3. the people who work together in such an enterprise.



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marking, as around the neck of an animal, suggestive of a collar.  
**5.** Any of various ringlike devices used to limit, guide, or secure a machine part. **6.** *Slang.* An arrest, as of a criminal. — **collar** *tr.v.* **-lared, -lar-ing, -lars.** **1.** To furnish with a collar. **2.** *Slang.* **a.** To seize or detain. **b.** To arrest (a criminal, for example). [Middle English *coler*, from Old French *colier*, from Latin *collāre*, from *collum*, neck. See *k'el-* in Appendix.] — **col-lared** *adj.*

**col-lar-bone** (kŏl'ər-bŏn') *n.* See *clavicle* (sense 1).

**collar cell** *n.* See *choanocyte*.

**col-lard** (kŏl'ərd) *n.* **1.** See *kale* (sense 1). **2.** *collards.* The leaves of kale, used as a vegetable. [Variant of *COLEWORT*.]

**collared peccary** *n.* A small wild hog (*Tayassu tajacu*) with a range from the southwest United States to northern Argentina, having a gray and black coat with a white band from the back to the chest. Also called *javelina*.

**collat.** *abbr.* Collateral.

**col-late** (kŏ-lāt', kŏl'āt', kŏ'lāt') *tr.v.* **-lat-ed, -lat-ing, -lates.** **1.** To examine and compare carefully in order to note points of disagreement. **2.** To assemble in proper numerical or logical sequence. **3.** *Printing.* **a.** To examine (gathered sheets) in order to arrange them in proper sequence before binding. **b.** To verify the order and completeness of (the pages of a volume). **4.** *Ecclesiastical.* To admit (a cleric) to a benefice. [From Latin *collātus*, past participle of *cōferre*, to bring together: *com-*, *com-* + *lātus*, brought; see *tele-* in Appendix.] — **col-la-tor** *n.*

**col-lat-er-al** (kŏ-lāt'ər-əl) *adj.* *Abbr.* *collat., coll.* **1.** Situated or running side by side; parallel. **2.** Coinciding in tendency or effect; concomitant or accompanying. **3.** Serving to support or corroborate: *collateral evidence*. **4.** Of a secondary nature; subordinate: *collateral target damage from a bombing run*. **5.** Of, relating to, or guaranteed by a security pledged against the performance of an obligation: *a collateral loan*. **6.** Having an ancestor in common but descended from a different line. — **collateral** *n.* **1.** Property acceptable as security for a loan or other obligation. **2.** A collateral relative. [Middle English, from Medieval Latin *collateralis*: Latin *com-*, *com-* + Latin *lātus*, later-, side.] — **col-lat-er-al-ly** *adv.*

**col-lat-er-al-ize** (kŏ-lāt'ər-ə-līz') *tr.v.* **-ized, -iz-ing, -izes.** **1.** To secure (a loan) through use of collateral. **2.** To pledge (property, for example) as collateral.

**col-la-tion** (kŏ-lā'shən, kŏ-, kō-) *n.* **1.** The act or process of collating. **2.a.** A light meal permitted on fast days. **b.** A light meal.

**col-league** (kŏl'ēg') *n.* A fellow member of a profession, a staff, or an academic faculty; an associate. See *Synonyms at partner*. [French *collègue*, from Latin *collēga*: *com-*, *com-* + *lēgare*, to depute; see *leg-* in Appendix.] — **col-league-ship** *n.*

**col-lect**<sup>1</sup> (kŏ-lēkt') *v.* **-lect-ed, -lect-ing, -lects.** — *tr.* **1.** To bring together in a group or mass; gather. **2.** To accumulate as a hobby or for study. **3.** To call for and obtain payment of: *collect taxes*. **4.** To recover control of: *collect one's emotions*. **5.** To call for (someone); pick up: *collected the children and drove home*. — *intr.* **1.** To come together in a group or mass; gather. See *Synonyms at gather*. **2.** To take in payments or donations: *collecting for charity*. — **collect** *adv. & adj.* *Abbr.* *col., coll.* With payment to be made by the receiver: *called collect*; *a collect phone call*. [Middle English *collecten*, from Latin *colligere*, *collēct-*: *com-*, *com-* + *legere*, to gather; see *leg-* in Appendix.]

**col-lect**<sup>2</sup> (kŏl'ikt, -ēkt') *n.* *Ecclesiastical.* A brief formal prayer that is used in various Western liturgies before the epistle and that varies with the day. [Middle English *collecte*, from Old French, from Medieval Latin *collēcta*, short for (*oratio ad*) *collectam*, (prayer at the) gathering, from Latin *collēctus*, gathered, past participle of *colligere*, to gather. See *COLLECT*<sup>1</sup>.]

**col-lect-a-ble** (kŏ-lēk'tə-bəl) *n.* Variant of *collectible*.

**col-lect-a-ne-a** (kŏl'ēk-tā'nē-ə) *pl.n.* A selection of passages from one or more authors; an anthology. [Latin, from neuter pl. of *collēctāneus*, collected, from *collēctus*. See *COLLECT*<sup>2</sup>.]

**col-lect-ed** (kŏ-lēk'tid) *adj.* **1.** Self-possessed; composed. See *Synonyms at cool*. **2.** *Abbr.* *col.* Brought or placed together from various sources: *the collected poems of W.H. Auden*. — **col-lect-ed-ly** *adv.* — **col-lect-ed-ness** *n.*

**col-lect-i-ble** also **col-lect-a-ble** (kŏ-lēk'tə-bəl) *n.* One of a group or class of objects, such as period glass or domestic utensils, prized by fanciers. — **col-lect-i-ble, col-lect-a-ble** *adj.*

**col-lect-ion** (kŏ-lēk'shən) *n.* *Abbr.* *col., coll.* **1.** The act or process of collecting. **2.** A group of objects or works to be seen, studied, or kept together. **3.** An accumulation; a deposit: *a collection of dust on the piano*. **4.a.** A collecting of money, as in church. **b.** The sum so collected.

**col-lect-ive** (kŏ-lēk'tiv) *adj.* **1.** Assembled or accumulated into a whole. **2.** Of, relating to, characteristic of, or made by a number of people acting as a group: *a collective decision*. — **collective** *n.* **1.** An undertaking, such as a business operation, set up on the principle of ownership and control of the means of production and distribution by the workers involved, usually under the supervision of a government. **2.** *Grammar.* A collective noun. — **col-lect-ive-ly** *adv.* — **col-lect-ive-ness** *n.*

**collective bar-gain-ing** (bär'gə-nīng) *n.* Negotiation between the representatives of organized workers and their employer or employers to determine wages, hours, rules, and working conditions.

**collective farm** *n.* A farm or a group of farms organized as a unit and managed and worked cooperatively by a group of laborers under state supervision.

**collective mark** *n.* A trademark or service mark used by members of a cooperative, an association, or other collective group or organization, including marks used to indicate membership in a union, an association, or other organization.

**collective noun** *n.* *Grammar.* A noun that denotes a collection of persons or things regarded as a unit.

**USAGE NOTE:** In American usage, a collective noun takes a singular verb when it refers to the collection considered as a whole, as in *The family was united on this question. The enemy is suing for peace.* It takes a plural verb when it refers to the members of the group considered as individuals, as in *My family are always fighting among themselves. The enemy were showing up in groups of three or four to turn in their weapons.* (In British usage, however, collective nouns are more often treated as plurals: *The government have not announced a new policy. The team are playing in the test matches next week.*) A collective noun should not be treated as both singular and plural in the same construction: *That family is determined to press its (not their) claim.* Among the common collective nouns are *committee, clergy, company, enemy, group, family, flock, public, and team*. See *Usage Note at gov-ernment, group*.

**collective unconscious** *n.* In Jungian psychology, a part of the unconscious mind, shared by a society, a people, or all humankind. The product of ancestral experience, it contains concepts of science, religion, and morality, for example.

**col-lect-iv-ism** (kŏ-lēk'tə-vīz'əm) *n.* The principles or system of ownership and control of the means of production and distribution by the people collectively. — **col-lect-iv-ist** *n.* — **col-lect-iv-is'tic** *adj.* — **col-lect-iv-is'ti-cal-ly** *adv.*

**col-lect-iv-i-ty** (kŏl'ēk-tiv'i-tē, kŏ-lēk'ti-) *n.* **1.** The quality or condition of being collective. **2.** The people as a whole.

**col-lect-iv-ize** (kŏ-lēk'tə-vīz') *tr.v.* **-ized, -iz-ing, -izes.** To organize (an economy, industry, or enterprise) on the basis of collectivism. — **col-lect-iv-i-za'tion** (-tə-vī-zā'shən) *n.*

**col-lect-or** (kŏ-lēk'tər) *n.* **1.** One that collects: *a solar energy collector*; *a dust collector*. **2.** *Abbr.* *col., coll.* A person employed to collect taxes, duties, or other payments. **3.** A person who makes a collection, as of stamps. **4.** *Electronics.* An electrode in an electron tube that collects electrons which have finished carrying current. — **col-lect-or-ship** *n.*

**col-leen** (kŏ-lēn', kŏl'ēn') *n.* An Irish girl. [Irish Gaelic *caile*, diminutive of *caile*, girl, from Old Irish.]

**col-lege** (kŏl'ij) *n.* *Abbr.* *col., coll.* **1.a.** An institution of higher learning that grants the bachelor's degree in liberal arts, or science or both. **b.** An undergraduate division or school of a university offering courses and granting degrees in a particular field. **c.** A school, sometimes but not always a university, offering special instruction in professional or technical subjects. **d. The students, faculty, and administration of such a school or institution. **e.** The building or buildings occupied by such a school or institution. **f.** *Chiefly British.* A self-governing society of scholars for study or instruction, incorporated within a university. **g.** An institution in France for secondary education that is not supported by the state. **2.a.** A body of persons having a common purpose or shared duties: *a college of surgeons*. **b.** An electoral college. **3.** A body of clerics living together on an endowment. — *attributive.* Often used to modify another noun: *college courses*; *college faculty*. [Middle English, from Old French, from Latin *collegium*, association. See *COLLEGIUM*.]**

**Col-lege Board** (kŏl'ij). A service mark used by the administration of aptitude and achievement tests, used by some colleges and universities in admitting and placing students.

**College of Cardinals** *n.* *Roman Catholic Church.* The body of all the cardinals that elect the pope, assist him in governing the church, and administer the Holy See when the papacy is vacant.

**College Park.** **1.** A city of northwest Georgia, a residential suburb of Atlanta. Population, 24,632. **2.** A city of west-central Maryland north-northeast of Washington, D.C. It is the seat of the University of Maryland (established 1807). Population, 23,614.

**College Station.** A city of east-central Texas northwest of Houston. Texas Agricultural and Mechanical University (opened 1876) is here. Population, 37,272.

**college try** *n.* *Informal.* A serious effort to do or achieve.

**col-le-gi-a** (kŏ-lē'jē-ə, -lēg'ē-ə) *n.* A plural of *collegium*.

**col-le-gi-al** (kŏ-lē'jē-əl, -jəl) *adj.* **1.a.** Characterized by or having power and authority vested equally among colleagues: *"He . . . prefers a collegial harmony that will present him with a consensus on the issues"* (Time). **b.** *Roman Catholic Church.* Characterized by the equal sharing of power among the bishops. **2.** Of, relating to, characterized by, or likened to college life; collegiate: *"Law-school faculties have traditionally been thought of as collegial—academic extensions of the courtroom civility that calls for the enemy to be spoken of as 'my learned opponent'"* (Calvin Trillin). [Middle English, from Latin *collegiālis*, of colleagues, from *collegium*, association. See *COLLEGIUM*.] — **col-le-gi-al-ly** *adv.*

**col-le-gi-al-i-ty** (kŏ-lē'jē-əl'i-tē) *n.* **1.** Shared power and authority vested among colleagues. **2.** *Roman Catholic Church.* The doctrine that bishops collectively share collegiate power.