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

Proceeding	91209857
Party	Defendant Carlos Deford Bailey and Deford Bailey III
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Date	05/05/2015
Attachments	BaileyDefordPretrialDisclosures.pdf(180465 bytes)

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

DEFORD BAILEY LLC,)	
Opposer,)	
)	OPPOSITION NO. 91209857
-vs-)	APPLICATION SERIAL NO. 85304626
)	Published in the Official Gazette on
CARLOS DEFORD BAILEY)	February 19, 2013
DEFORD BAILEY III)	
Applicants.)	

**APPLICANTS CARLOS DEFORD BAILEY
AND CARLOS DEFORD BAILEY
RULE 702.01 PRETRIAL DISCLOSURES**

COMES NOW the Applicants, Carlos Deford Bailey and Deford Bailey III and Pursuant to Rule 702.01 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), and Rule 26(a)(3) of the Federal Rules of Civil Procedure, Submit their pretrial disclosures.

WITNESSES APPLICANTS EXPECTS TO PRESENT, EXPECTED TOPICS OF TESTIMONY, EXPECTED CATEGORIES OF DOCUMENTS AND THINGS THAT MAY BE INTRODUCED DURING EACH WITNESS'S TESTIMONY:

Carlos Deford Bailey
c/o Walter M. Benjamin, Attorney at Law, P.O. Box 6099, Tulsa, OK 74148
Party Co-Applicant

Carlos Bailey is expected to testify regarding all aspects of the filing of Application Serial No. 85304626 along with Deford Bailey III as co-Applicants for registration of the subject mark DEFORD BAILEY in connection with "harmonicas" in the subject application. He will also testify as to the formation of the Deford Bailey Foundation that was formed before the Opposer, Deford Bailey, LLC. He will give testimony that refutes the purported licensing agreement between himself and Deford Bailey, LLC. He will give testimony that refutes allegations that Deford Bailey III did not authorize the subject trademark application. He will testify as to how the attorney for Deford Bailey LLC unethically convinced him that it was harmless to sign the purported licensing agreement. He will testify as to Deford Bailey II lack of ability to read and understand the documents allegedly signed by Deford Bailey II.

Categories of documents and things that may be introduced during Carlos Deford Bailey's testimony include documents relating to the subject trademark application, the purported license agreement between himself and Deford Bailey LLC and Corporate documents relating to the formation of the Deford Bailey Foundation. All documents introduced by Opposer.

Deford Bailey III

c/o Walter M. Benjamin, Attorney at Law, P.O. Box 6099, Tulsa, OK 74148

Party Co-Applicant

Deford Bailey is expected to testify regarding all aspects of the filing of Application Serial No. 85304626 along with co-Applicant, Carlos Deford Bailey for registration of the subject mark DEFORD BAILEY in connection with "harmonicas" in the subject application. He will testify as to all the documents introduced by Opposer that alleges that he did not authorize the subject trademark application. He will testify that he did not join in the purported trademark license agreement between Carlos Deford Bailey and Deford Bailey, LLC. He will testify that he being the only Deford Bailey alive, he has the right to get subject trademark. He will testify as to Deford Bailey II lack of ability to read and understand the documents allegedly signed by Deford Bailey II.

Categories of documents and things that may be introduced during Deford Bailey III testimony include documents relating to the application for the subject trademark and documents opposer introduced to support their allegation that he did not authorize the application of the subject mark. All of the documents offered by Opposer.

Shemika Wiley

c/o Amy J. Everhart, Everhart Law Firm PLC, 1400 Fifth Avenue North, Nashville, TN 37208

Representative of Party Opposer, Deford Bailey, LLC

Shemika Wiley is expected to testify that the Amy J. Everhart Law firm prepared the documents that purports that Deford Bailey III did not authorize the application for the subject trademark, She will also testify that she arranged for Carlos Deford Bailey to speak to her attorney, Amy Everhart, so she could convince him to sign the purported licensing agreement between Carlos Deford Bailey and Deford Bailey, LLC. She will testify regarding Deford Bailey II signing documents that purport to transfer rights of Deford Bailey to her.

Categories of documents and things that may be introduced during Shemika Wiley testimony include the purported license agreement between Carlos Deford Bailey and Deford Bailey LLC. She will testify how she had Deford Bailey II to convince Deford Bailey III to sign documents purporting to prove Deford Bailey III

did not authorize the subject trademark application. All of the documents Offered by Opposer.

Ron Bailey
c/o Walter M. Benjamin, P.O. Box 6099, Tulsa, OK 74147

Ron Bailey will testify about how he initiated the Deford Bailey family interest in the Deford Bailey harmonica. He will testify how he helped the Carlos Deford Bailey and Deford Bailey III to use the name Deford Bailey on harmonicas. He will also testify as to how he helped Carlos Deford Bailey and Deford Bailey III develop and sell Deford Bailey harmonicas. He will testify about how he helped Carlos Deford Bailey and Deford Bailey III form the Deford Bailey foundation. He will testify as to how the was a liaison between Attorney Walter M. Benjamin and the Applicants.

Categories of documents and things that may be introduced during Mr. Bailey's testimony include documents relating to the formation of the Deford Bailey Foundation.

Respectfully submitted,

/Walter M. Benjamin/
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Attorneys for Applicants
Carlos Deford Bailey
Deford Bailey III
Date: May 4, 2015

CERTIFICATE OF SERVICE

I, Walter M. Benjamin, hereby certify that on the 4th day of May, 2015, I sent electronically through email and sent by the U.S. Mail with proper postage thereon prepaid addressed to:

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