

ESTTA Tracking number: **ESTTA591458**

Filing date: **03/09/2014**

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

Proceeding	91211077
Party	Defendant Farnsworth, Boulter, Burke & Stamper, LLC
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Date	03/09/2014
Attachments	85-806667 Google_Farnsworth_-_Applicant Intial disclosures.pdf(34660 bytes)

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

In the matter of application Serial No. 85/806,667
Mark: ICOMMANDROID
Published: May 14, 2013

GOOGLE INC.,)	
)	
Opposer,)	
)	Opposition No. 91211077
)	
)	
v.)	
)	
FARNSWORTH, BOULTER, BURKE &)	
STAMPER, LLC,)	
)	
Applicant.)	
_____)	

**APPLICANT FARNSWORTH, BOULTER,
BURKE & STAMPER, LLC'S INITIAL DISCLOSRES**

Applicant Farnsworth, Boulter, Burke & Stamper LLC (“Applicant”), through its undersigned counsel, hereby provides the following initial disclosures under Federal Rule of Civil Procedure 26(a)(1), Trademark Rule 2.120, and this Board’s September 20, 2013 Order. These initial disclosures are based on information reasonably available to Applicant as of the date below. Fed. R. Civ. P. 26(a)(1). Applicant reserves the right to supplement, alter, or amend these disclosures as discovery progresses and as further information becomes available through its ongoing investigation or discovery. Furthermore, Applicant reserves the right to further supplement, alter, or amend these initial disclosures at appropriate intervals as provided for in Federal Rule of Civil Procedure 26(e)(1). Supplemental disclosures will be made to the extent that they are not mooted by future discovery responses or have not otherwise been made known

to Applicant during the discovery process or in writing.

By making these initial disclosures, Applicant is not waiving its right to object to the production of such documents, or testimony of such witnesses, on any ground, including, without limitation: (1) on the basis of privilege or work product protection; (2) on the ground that the information sought is not relevant to the subject matter of Opposition No. 91211077 (the “Opposition”) involving the ICOMMANDROID mark set forth in United States Trademark Application Serial No. 85/806,667 (the “ICOMMANDROID Mark”), and is not reasonably calculated to lead to the discovery of admissible evidence; and (3) on the ground that the information sought is not sufficiently relevant to justify the burden or expense of production. Further, Applicant is not making a representation that it has identified every document, tangible thing, or witness that may possibly be relevant to this proceeding. These disclosures represent a good faith effort to identify information that Applicant reasonably believes Federal Rule of Civil Procedure 26(a)(1) calls for.

I. KNOWLEDGEABLE INDIVIDUALS (FED. R. CIV. P. 26(A)(1)(A) (I)).

As required by Fed. R. Civ. P. 26(a), Applicant hereby identifies the following persons who are likely to have discoverable information that Applicant may use to support its trademark application. Applicant is informed and believes there are potentially other persons who may possess discoverable information that Applicant may use to support its trademark application. Discovery is continuing and Applicant reserves the right to designate such persons as witnesses as such witnesses become known to Applicant.

Applicant, Farnsworth, Boulter, Burke & Stamper LLC. To be contacted through counsel for applicant, Michael Reilly LLC.	Origin and adoption of the ICOMMANDROID Mark, application for the ICOMMANDROID Mark, use of the ICOMMANDROID Mark.
Gavin Charleston, Associate Trademark Counsel To be contacted through counsel for Opposer, Cooley LLP	Application(s) for the ANDROID mark; protection of the ANDROID mark.

II. RELEVANT NON-PRIVILEGED DOCUMENTS (FED. R. CIV. P. 26(A)(1)(A)(II)).

Subject to the qualifications set forth above, Applicant discloses the following categories of documents, data compilations, and tangible things that are in its possession, custody, or control and that it may use to support its claims. The documents are located with Applicant, or at (a) the offices of Google Inc., 1600 Amphitheatre Parkway, Mountain View, California 94043 and/or (b) Cooley LLP, 3175 Hanover St., Palo Alto, CA 94304:

1. Copies of Applicant's United States trademark filings and submissions to the USPTO, publicly available, located with Applicant, and located with Google and/or Cooley LLP;
2. Copies of Google's United States trademark filings and submissions to the USPTO, publicly available, located with Applicant, and located with Google and/or Cooley LLP;
3. Correspondence between Applicant and Google relating to the claims asserted in this action, located with Applicant and Google;
4. Documents relating to potential or actual confusion between the ICOMMANDROID Mark and the ANDROID Mark, publically available and/or located with Google.
5. Documents relating to other instances of opposition by Google to United States trademark filings based upon alleged potential or actual confusion between the mark applied for and the ANDROID Mark, publically available and/or located with Google.

To the extent that any of these documents are proprietary, trade secret, or confidential, Applicant will make them available only after the entry of an appropriate protective order.

Applicant notes that the initial disclosures required by Fed. R. Civ. P. 26(a)(1)(A)(iii) (relating to computation of damages) and Fed. R. Civ. P. 26(a)(1)(A)(iv) (relating to insurance agreements) are not applicable to this proceeding.

MICHAEL REILLY LLC

Date: March 9, 2014

By: /s/ Michael D. Reilly
Michael D. Reilly
Attorney for Applicant Farnsworth, Boulter,
Burke & Stamper LLC

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the Applicant Farnsworth, Boulter, Burke & Stamper, LLC's Initial Disclosures was served upon Correspondent to the Opposer for the subject application, via email to the following address:

Aaron Fennimore
Cooley LLP
3175 Hanover St.,
Palo Alto, CA 94304
afennimore@cooley.com

Date: March 9, 2014

By: /s/ Michael D. Reilly
Michael D. Reilly
Attorney for Applicant Farnsworth, Boulter,
Burke & Stamper LLC