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

Proceeding	91211247
Party	Defendant The Old Pogue Distillery, LLC
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Submission	Other Motions/Papers
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Date	10/02/2013
Attachments	Applicant The Old Pogue Distillery, LLC's Initial Disclosures.pdf(62052 bytes)

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

In the Matter of Application Serial No. 85/809,765
Published in the Official Gazette of May 7, 2013

SAZERAC COMPANY, INC.

Opposer,

v.

THE OLD POGUE DISTILLERY, LLC,

Applicant.

Opposition No. 91211247

INITIAL DISCLOSURES OF APPLICANT THE OLD POGUE DISTILLERY, LLC

Applicant, The Old Pogue Distillery, LLC, dba Old Pogue (“Applicant”), by counsel, pursuant to FRCP 26(a)(1), Trademark Rule 2.120, and this Board’s Order of June 24, 2013, hereby files its initial disclosures. Applicant’s disclosures are made to the best of its knowledge, information, and belief, and are subject to further investigation and discovery. Applicant reserves the right to supplement, withdraw, or amend these disclosures as provided for by FRCP 26(e)(1).

A. **Knowledgeable Persons.**

Individual

Subject of Information

Harlan Wheatley, Master Distiller,
Buffalo Trace Distillery, Lawrenceburg,
Kentucky

Geographic descriptiveness of Bourbon’s
Birthplace.

Charles Cowdery, Bourbon Historian,
Chicago, Illinois

Geographic descriptiveness of Bourbon’s
Birthplace.

Peter H. Pogue, President, The Old Pogue
Distillery, LLC, dba Old Pogue

Nature of Applicant’s business, types of
goods or services offered in connection
with its trademark application serial no.

Individual

Subject of Information

85/809,765; marketing, sales of goods, services offered, and nature of business generally.

B. Relevant Documents

As required by FRCP 26(a)(1)(B), Applicant hereby identifies the following categories of documents and/or tangible items in possession, custody, or control of Applicant in support of its Application serial number 85/809,765.

1. Copies of Applicant's United States trademark filings and submissions to the USPTO.
2. Copies of Opposer's employees interviews, publicly available, in conjunction with historical society projects identifying the geographic location of Bourbon's Birthplace, which interviews constitute admissions by Opposer Sazerac, Inc.
3. Kentucky Educational Television documentary on bourbon whiskey, and the research conducted therein, identifying the geographic location of Bourbon's Birthplace.
4. Books, articles, blogs, websites, authored by bourbon historians, including Charles K. Cowdery, identifying the geographic location of Bourbon's Birthplace.
5. Books, magazines, articles, websites, brochures, blogs, news articles, social media, identifying the geographic location of Bourbon's Birthplace.
6. Proclamation of the Governor of the State of Kentucky, dated August 21, 2013, identifying the geographic location of Bourbon's Birthplace.
7. Resolutions of the Kentucky House of Representatives and Kentucky State Senate, dated August 21, 2013, identifying the geographic location of Bourbon's Birthplace.
8. Resolution of Kentucky State Senator Katie Stine, dated April 2012, identifying the geographic location of Bourbon's Birthplace.
9. Resolution of Kentucky State Representative Mike Denham, dated April 2012, identifying the geographic location of Bourbon's Birthplace.
10. Resolution of Kentucky State Senator Katie Webb, dated April 2012, identifying the geographic location of Bourbon's Birthplace.
11. Documents of the Kentucky Distiller's Association identifying the geographic location of Bourbon's Birthplace.

C. Damages and Insurance Coverage

Applicant states that the initial disclosures required by FRCP 26(a)(1)(C) relating to computation of damages, and FRCP 26(a)(1)(D) relating to insurance are not applicable to this TTAB proceeding.

Dated October 2, 2013

By: /Peter H. Pogue/
Peter H. Pogue
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Indianapolis, IN 46202
(317) 697-5039

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2013, a copy of the foregoing Initial Disclosures were mailed to counsel for Opposer by email transmission and by depositing a true and accurate copy of the same into the United States Postal Service, first class mail, postage prepaid, to Todd S. Bontemps, John Paul Oleksiuk, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, D.C. 20004.

By: /Peter H. Pogue/
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