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

Proceeding	91212693
Party	Plaintiff Micronel AG
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Attachments	MICRONEL v Kunshan MUS Initial Disclosures.pdf(107917 bytes)

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

MICRONEL AG,

Opposer,

v.

KUNSHAN M.U.S. INTERNATIONAL. CO., LTD.,

Applicant.

Opposition No.: 91212693

Serial No.: 85611497

OPPOSER'S RULE 26(a)(1) INITIAL DISCLOSURES

Micronel AG (the "Opposer"), by its attorneys, makes the following initial disclosures in accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure (the "Federal Rules"), § 2.120 of the Rules of Practice in Trademark Cases (the "Rules of Practice"), and § 401.02 of the Trademark Trial and Appeal Board Manual of Procedure (the "TBMP"), to Kunshan M.U.S. International Co., Ltd. (the "Applicant").

Preliminary Statement

Opposer makes these initial disclosures without waiver of, or prejudice to, any objections it may have. Opposer expressly reserves all such objections, including, but not limited to, the following: (a) relevance; (b) attorney-client privilege; (c) work-product protection; (d) any other applicable privilege or protection under federal or state law; (e) undue burden; (f) materiality; (g) overbreadth; (h) the admissibility in evidence of these initial disclosures or the subject matter thereof; (i) proprietary and confidential business information, financial data, and trade secrets that belong either to Opposer or to individuals and entities with whom or which it conducts or has conducted business; and (j) documents containing information disclosed or transmitted to

any governmental agency, to the extent such information is confidential and not required to be disclosed under applicable law. All objections are expressly preserved.

Opposer makes these disclosures based upon information reasonably available at this time. It has not completed discovery in this case. Accordingly, it provides these initial disclosures without prejudice to its right to introduce at hearings or trial any evidence that it subsequently discovers. Opposer reserves its rights to clarify, amend, modify, or supplement the information contained in these initial disclosures in accordance with the Federal Rules, the Rules of Practice, and/or the TBMP.

I. Individuals Likely to Have Discoverable Information

Opposer identifies the following individuals currently known to it likely to have discoverable information that it may use to support its claims or defenses:

Name	Address	Subject
Peter Meier CEO, Micronel AG	c/o Mark I. Peroff, Esq. Manatt Phelps & Phillips LLP Seven Times Square New York, NY 10036	<ul style="list-style-type: none"> - Business of Opposer; - Opposer’s use of and rights in the MUS Mark; - Opposer’s Business relationship and licensing arrangement with third parties Micronel US, LLC, International Industrial Development Organization (“IIDO”), and S. William Linko, Sr.; and - Damage and harm to Opposer’s business and trademark rights, and the goodwill associated therewith resulting from Applicant’s adoption, use, and attempt to register the MUS Mark.

S. William Linko, Sr.	Known to Applicant	<ul style="list-style-type: none"> - Applicant's association with Micronel US, LLC and IIDO; - Formation of Applicant following Opposer's termination of licensing agreement with and the subsequent dissolution and cessation of business activities of Micronel US, LLC and IIDO; - Applicant's adoption and use of the MUS Mark in connection with the sale and marketing of industrial fans and blowers; and -third party use of MUS to refer to "Micronel US."
J.R. Schenk and Fisaga Technologies, LLC	Known to Applicant	<ul style="list-style-type: none"> - Applicant's association with Micronel US, LLC and IIDO; - Formation of Applicant following Opposer's termination of licensing agreement with and the subsequent dissolution and cessation of business activities of Micronel US, LLC and IIDO; - Applicant's adoption and use of the MUS Mark in connection with the sale and marketing of industrial fans and blowers; and -third party use of MUS to refer to "Micronel US."
Sy Wei	Known to Applicant	<ul style="list-style-type: none"> - Applicant's association with Micronel US, LLC and IIDO; - Formation of Applicant following Opposer's termination of licensing agreement with and the subsequent dissolution and cessation of business activities of Micronel US, LLC and IIDO; - Applicant's adoption and use of the MUS Mark in connection with the sale and marketing of industrial fans and blowers; and -third party use of MUS to refer to "Micronel US."

* * * *

To the extent that the Applicant identifies any individuals or entities not listed above that are likely to have discoverable information that Opposer may use to support its opposition, Opposer incorporates by reference such identifications as if fully set forth herein.

By listing the above persons and entities, Opposer makes no representation as to the personal knowledge of the individuals, or that the list includes all individuals who have discoverable information as contemplated by Rule 26(a)(1).

II. Documents that May Be Used To Support Opposition

Opposer identifies the following categories of documents that it may use to support its opposition:

- documents concerning Opposer's use of the MUS Mark;
- documents concerning the licensing and distribution agreements between Micronel AG and certain third parties, including Micronel US, LLC;
- documents concerning the Applicant's creation following Opposer's termination of licensing and distribution agreements with third parties Micronel US, LLC and IIDO;
- documents concerning Applicant's bad faith adoption, use, and attempt to register the MUS Mark;
- documents concerning damage and harm to Opposer's business and goodwill in its trademark rights that would result from Applicant's registration and use of the MUS Mark; and
- any documents produced by Applicant.

Opposer reserves the right to modify or supplement this identification of documents should it determine that it will use additional documents in support of its opposition.

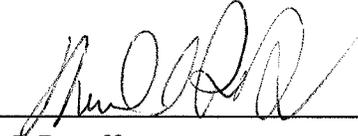
Additionally, this identification of documents does not constitute an admission that Opposer has any such documents in its possession, custody, or control, and is made without prejudice to its subsequent objections, if any, to the production or introduction into evidence of such documents.

Dated: New York, New York
January 6, 2014

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: _____

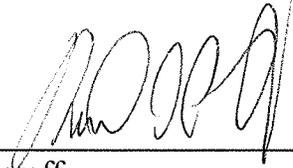

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Micronel AG*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6th day of January, 2014, a true and correct copy of **OPPOSER'S RULE 26(a)(1) INITIAL DISCLOSURES** is being served on Applicant's counsel of record via electronic mail and first class mail to:

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