

ESTTA Tracking number: **ESTTA637743**

Filing date: **11/07/2014**

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

Proceeding	91217625
Party	Defendant ELLIOT H Cohen
Correspondence Address	DANIEL S LATTER MARQUEE LAW GROUP APC 9100 WILSHIRE BLVD, STE 445 E TOWER BEVERLY HILLS, CA 90212 UNITED STATES elco4321@gmail.com, elco4321@yahoo.com, dan@marqueelaw.com
Submission	Other Motions/Papers
Filer's Name	Daniel S. Latter
Filer's e-mail	dan@marqueelaw.com
Signature	/Daniel S. Latter/
Date	11/07/2014
Attachments	Applicant's Initial Disclosures 1172014.pdf(61025 bytes)

1 Applicant's disclosures are made without waiving, in any way: (1) any claim of privilege or
2 work product; (2) the right to object on the grounds of competency, relevancy and materiality,
3 hearsay, or any other proper ground, to the use of any such information, for any purpose, in
4 whole or in part, in any subsequent proceeding in this action or any other action; and (3) the right
5 to object on any and all grounds, at any time, to any other discovery request or proceeding
6 involving or relating to the subject matter of these disclosures.

7 Finally, this disclosure does not identify or otherwise include information concerning experts, as
8 the subject is not covered by Fed. R. Civ. 26(a)(1). Applicant will provide its expert disclosures
9 pursuant to the deadlines set forth in the Board's Institution and Scheduling Order.

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11 **A. 26(a)(1)(A)(i): Witnesses**

12 At present, Applicant has identified the following persons whom Applicant believes are likely to
13 have discoverable information that Applicant may use to support its claims:

Name/Title	Address	Subject of Information
Elliot Cohen/Applicant	189 Bellafonte Court Camarillo, California 93012 Telephone: 818.264.9064	All aspects of matters concerning Applicant's intent to use application that is the subject of this proceeding, including, but not limited to, intended actual use of the mark and matters related thereto.

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23 **B. 26(a)(1)(A)(ii): Documents**

1 At present, Applicant has identified the following documents, data compilations, and tangible
2 things that are in Applicant's possession, custody, or control that Applicant may use to support
3 its claims:

Description of Documents	Location
The file for Serial No. 86224809 As filed with the USPTO	Available online on the USPTO website
Material pertaining to Applicant's Plans for a restaurant using the BFD mark	Applicant's address as set forth above.

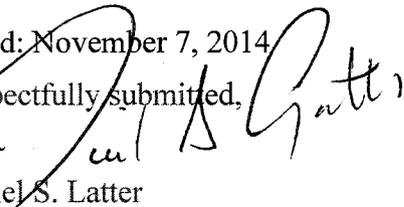
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13 **C. 26(a)(1)(A)(iii): Damages**

14 At present, Applicant is not able to compute the damages that would result should his application
15 for registration of the BFD mark be denied and/or should one or more of Opposer's applications
16 for registration of marks identified in trademark application Serial No. 86224960 and Serial No.
17 86225653 be granted.

18 Applicant's search for relevant documents is ongoing. Accordingly, Applicant reserves the right
19 to amend and/or supplement its disclosure of documents as they become available.

20 Dated: November 7, 2014

21 Respectfully submitted,

22 By: 

23 Daniel S. Latter

24 Marquee Law Group, APC

25 9100 Wilshire Boulevard, Suite 445 East Tower

26 Beverly Hills, CA 90212

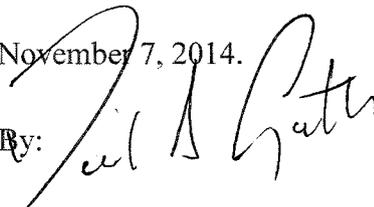
27 Telephone: 310.275.1844

28 Attorneys for Applicant and Defendant, Elliot Cohen

1 **CERTIFICATE OF ELECTRONIC MAILING**

2 I hereby certify that the foregoing Initial Disclosures of Applicant is being submitted
3 electronically through the Trademark Trial and Appeal Board's ESTTA System on this
4

5 November 7, 2014.

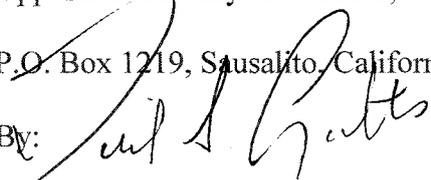
6 By: 

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8 Daniel S. Latter
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 7, 2014, I caused a true and correct copy of the foregoing Initial Disclosures of Applicant to be sent via First-Class Mail, postage prepaid, to Opposer's Attorneys of Record, Drew M. Smith and Gabrielle A. Holley, Holley & Menker, PA, P.O. Box 1219, Sausalito, California 94966.

By: 
Daniel S. Latter