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Filing date: **03/25/2015**

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

Proceeding	91219751
Party	Defendant Spartan Brands, Inc.
Correspondence Address	PHILIP Y BRAGINSKY TARTER KRINSKY & DROGIN LLP 1350 BROADWAY, 11TH FLOOR NEW YORK, NY 10018 UNITED STATES docket@tarterkrinsky.com, pbraginsky@tarterkrinsky.com
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Date	03/25/2015
Attachments	APPLICANTSINITIALDISCLOSUREFIX.pdf(1006675 bytes)

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New York, New York 10018

Attorneys for Applicant

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

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MARKET AMERICA, INC.

Opposer,

Opposition No. 91219751

-against-

SPARTAN BRANDS, INC.

Applicant

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APPLICANT'S INITIAL DISCLOSURES

Applicant Spartan Brands, Inc. ("Applicant"), by and through its attorneys, Tarter Krinsky & Drogin, LLP, submit the following initial disclosures of information reasonably available as of this date. These Initial Disclosures are based on information reasonably and currently available to Applicant and upon Applicant's current state of knowledge. Accordingly, Applicant reserves the right to modify, amend and supplement these Initial Disclosures as additional information is discovered. The disclosure or identification of any person does not constitute a waiver of any right or privilege Applicant may have to assert that such person possesses information which is confidential, privileged, or otherwise non-discoverable. Applicant makes these disclosures subject to, and without waiver of, any attorney-client, work product or other applicable privileges or immunities or any other rights or objections.

I. LIKELY TO HAVE DISCOVERABLE INFORMATION

Pursuant to Fed.R.Civ.P. 26(a)(1)(A), Applicant identifies the following individual as being likely to have discoverable information that Applicant may use to support its claims or defenses in this proceeding. Applicant anticipates that other individuals also may have discoverable information and specifically reserves the right to identify additional witnesses as discovery proceeds. All communications with the individual listed below for which counsel above is listed as the contact should be made through counsel in this action. Further, by indicating the general subject matter of information this individual may possess, Applicant is in no way limiting its right to call any individual listed to testify concerning other subjects:

Gary Grey
Spartan Brands, Inc.
451 Park Avenue South, Fifth Floor
New York, NY 10016
Phone: (212) 684-0200

In addition to the individual identified above, Applicant hereby incorporates by reference the witnesses and their possible subjects of testimony disclosed by Opposer in its Initial Disclosures, those individuals identified by Opposer through discovery, declaration or other means, and those individuals whose names appear on produced documents, as if set forth in full herein. Applicant also reserves the right to modify, amend and supplement this list of individuals in light of further discovery and investigation.

II. DOCUMENTS IN APPLICANT'S POSSESSION, CUSTODY OR CONTROL

Pursuant to Fed.R.Civ.P. 26(a)(1)(B), for purposes of this action, the categories of documents that are likely to be within the possession, custody or control of Applicant, which Applicant may use to support its claims or defenses in this action, include those categories listed below.

Applicant objects to producing documents and things within the categories listed below that may be subject to the work product or attorney client privileges. Confidential, trade secret, proprietary and commercially sensitive documents will be produced at a later date subject to the Board's standard protective order. Applicant identifies the categories of documents as follows:

- A. Examples of planned and intended use of Applicant's mark, including tags, labels and product samples.

Applicant's investigation into the matters at issue in this case is on-going and therefore, it reserves all rights to disclose and use additional documents and information as its discovery and investigation proceeds. As such, Applicant reserves the right to modify, amend and/or supplement this list of relevant documents. Moreover, Applicant hereby incorporates by reference the list of documents disclosed by Opposer in its Initial Disclosures.

III. DAMAGES

Not applicable.

IV. INSURANCE

Not applicable.

Dated: New York, New York
March 25, 2015

Respectfully submitted,

By:



Philip Braginsky, Esq.

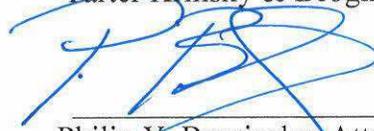
Attorneys for Applicant Spartan Brands, Inc.

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Certificate of Filing

The undersigned hereby certifies that the foregoing Answer to Notice of Opposition was filed on March 25, 2015, through electronic means via the ESTTA website.

Tarter Krinsky & Drogin LLP

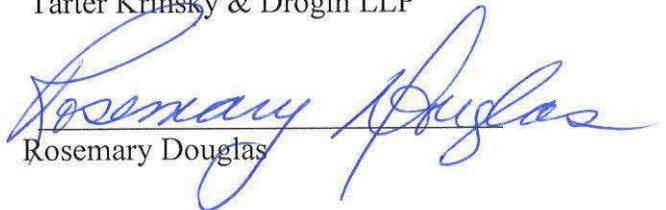


Philip Y. Braginsky, Attorney for
Applicant

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on Market America, Inc. via its counsel Ryan S. Luft, by mailing said copy on March 25, 2015, via First Class Mail, postage prepaid, to: Ryan S. Luft, 1302 Pleasant Ridge Road, Greensboro, North Carolina 27409.

Tarter Krinsky & Drogin LLP



Rosemary Douglas