

TTAB



MODRALL SPERLING

L A W Y E R S

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November 23, 2015

United States Patent & Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Hobel, Inc. v. Blake's Lotaburger, LLC
Opposition No. 91223374; Serial No. 86629868

To Whom It May Concern:

Enclosed please find an original and one copy of Applicant's Initial Disclosures in the above referenced matter. Please file the Initial Disclosures in accordance with your practice.

Thanks for your attention to this matter, and please let me know if you have any questions or need anything further.

Sincerely,

Wendy C. Olivas
Assistant to Charles A. Armgardt

/wco
Enclosures: as stated
cc: Opposer
Client
W2592939.DOCX

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11-23-2015

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

HOBEL, INC.,
Opposer,

v.

Opposition No. 91223374
Serial No. 86629868

BLAKE'S LOTABURGER, LLC,
Applicant.

United States Patent & Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S INITIAL DISCLOSURES

Applicant, BLAKE'S LOTABURGER, LLC ("Applicant" or "Blake's"), for its initial disclosures, states as follows:

1. *Witnesses.* The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

Brian Rule, President of Blake's, 3205 Richmond Dr. NE, Albuquerque, NM 87107, 505-884-2160: development, ownership and uses of trademarks including trademark registrations identified in Paragraph 18 of Applicant's Answer; and improper and/or illegal conduct by Opposer plus adverse impacts of same.

Any other person who is employed by Applicant or who is knowledgeable of Applicant's trademarks: development, ownership and uses of trademarks including trademark registrations



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identified in Paragraph 18 of Applicant's Answer; and improper and/or illegal conduct by Opposer plus adverse impacts of same.

Any person who is employed by Opposer or who is knowledgeable of Opposer's conduct: lack of true ownership of trademark; and improper and/or illegal conduct by Opposer.

Any other person likely to have discoverable information.

2. *Documents.* A copy—or a description by category and location—of all documents ... and tangible things that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the same would be solely for impeachment:

Trademark registration certificates including trademark registrations identified in Paragraph 18 of Applicant's Answer.

Files concerning Applicant's trademark registrations maintained by USPTO.

Examples of uses of Applicant's trademarks.

Examples of infringing uses by Opposer.

Any other document that may support Applicant's defenses.

3. *Damages.* N/A for this proceeding. Applicant reserves all rights to bring causes of action against Opposer in federal court and to seek damages.

4. *Insurance.* N/A.

DATE: November 23, 2015

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By Charles A. Armgardt
/s/ Charles A. Armgardt

Charles A. Armgardt
500 Fourth St. NW #1000 (87102)

P.O. Box 2168
Albuquerque, NM 87103-2168
Telephone: 505.848.1800
Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that this Answer or a true copy of it was sent via the delivery methods specified below, this 23rd day of November, 2015, to:

Via "Express Mail Post Office to Addressee" service of the U.S. Postal Service:

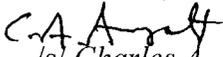
United States Patent & Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

[and]

Via first class mail, postage prepaid:

Tawnya Wojciechowski
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19900 MacArthur Blvd., Suite 1150
Irvine, CA 92612
Attorneys for Opposer

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By  /s/ Charles A. Armgardt
Charles A. Armgardt
Attorneys for Applicant

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Respectfully submitted,

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& SISK, P.A.

By  _____
Charles A. Armgardt
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