

ESTTA Tracking number: **ESTTA400229**

Filing date: **03/28/2011**

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

Proceeding	92051757
Party	Defendant Loops, LLC
Correspondence Address	TIMOTHY W. FITZWILLIAM LEWIS KOHN & FITZWILLIAM 10935 VISTA SORRENTO PKWY, SUITE 370 SAN DIEGO, CA 92130 UNITED STATES tfitzwilliam@lewiskohn.com, kmoyerhenry@lewiskohn.com
Submission	Other Motions/Papers
Filer's Name	Tien Q. Le
Filer's e-mail	tle@lewiskohn.com
Signature	/Tien Q. Le/
Date	03/28/2011
Attachments	Rebuttal Expert Disclosure.pdf (5 pages)(110237 bytes)

1 Timothy W. Fitzwilliam
Lewis Kohn & Fitzwilliam, LLP
2 10935 Vista Sorrento Pkwy, Suite 310
San Diego, CA 92126
3 Phone: 858.436.1330
Fax: 858.436.1349
4 E-mail: tfitzwilliam@lewiskohn.com

5
6 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
7 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

8 **PHOENIX TRADING, INC., dba**
AMERCARE PRODUCTS, INC., a
9 Washington corporation;

10 Petitioners,

11 v.

12 **LOOPS LLC., a Delaware limited liability**
13 company,

14 Respondent,

Cancellation No. 92051757

**RESPONDENT’S REBUTTAL EXPERT
WITNESS DISCLOSURES**

Mark: “Designed for Prison Safety”
Reg. No.: 3,424,838

Mark: Trade Dress – Flexbrush Toothbrush
Reg. No.: 3,430,304

Mark: Trade Dress – Flexbrush Toothbrush
Reg. No.: 3,430,305

15
16 **TO PETITIONERS AND THE ATTORNEY OF RECORD:**

17 Respondent Loops, LLC, by and through its attorney Timothy W. Fitzwilliam serves this
18 Rebuttal Expert Witness Disclosure on Petitioners pursuant to 37 C.F.R. §2.120 and FRCP Rule
19 26(a)(2)(C)(ii).

20 *///*

1 **EXPERT WITNESS DISCLOSURE**

2 **A. Witnesses**

3 Respondent intends to call registered patent attorney Kent M. Walker to testify as an
4 expert on matters at issue in this proceeding. Mr. Walker's C.V. is attached as Exhibit "A."

6 **LEWIS KOHN & FITZWILLIAM, LLP**

7 

8 Date: March 28, 2011

8 _____
9 Timothy W. Fitzwilliam
10 Attorney for Respondent
11 Loops, LLC
12
13
14
15
16
17
18
19
20
21
22
23
24

1 **CERTIFICATE OF MAILING AND SERVICE**

2 I hereby certify that on March 28, 2011, the foregoing document entitled
3 **RESPONDENT’S REBUTTAL EXPERT DISCLOSURE** was electronically transmitted via e-
4 mail to:

5 Rick Klingbeil
6 2300 SW First Ave., Suite 101
7 Portland, OR 97201
8 Phone: 503.473.8565
9 Fax: 503.546.0598
10 E-mail: rick@klingbeil-law.com

11 I further certify that a true and complete copy of the foregoing **RESPONDENT’S**
12 **REBUTTAL EXPERT DISCLOSURE** was served on the above attorney by mailing said copy
13 on March 28, 2011 via First Class Mail, postage prepaid, to the above address.

14 **LEWIS KOHN & FITZWILLIAM, LLP**

15 Date: March 28, 2011



16 _____
17 Timothy W. Fitzwilliam
18 Attorney for Respondent

KENT M. WALKER, Esq.
Law Office of Kent M. Walker

402 W. Broadway, Ste. 400, San Diego, California 92101; Office: 619-446-5603; Cell: 858-231-4713
eFax: 619-923-2959; Email: kent@kentmwalker.com; www.kentmwalker.com

Practice: Intellectual Property Litigation, Prosecution and Counseling

EXECUTIVE SUMMARY

Highly skilled senior level intellectual property attorney. Litigator in Federal and State courts with extensive trial and appellate experience. Served as trial counsel in utility and design patent disputes, as well as trademark and trade secret matters. Also has extensive experience with patent and trademark prosecution, intellectual property licensing and counseling, and trade dress and copyright law. Represented clients in industries including telecommunications, software, semiconductors, electronics, biotechnology, renewable energy, sports equipment, entertainment, medical devices and pharmaceuticals. Has a highly positive record of managing intellectual property professionals.

EXPERIENCE

Represented telecommunication chip and phone manufacturers in multiple patent defenses that produced highly successful results, including dismissals, invalidation of patents by reexamination, licenses, and highly favorable settlements.

Represented diagnostics companies in multiple arbitrations and litigation involving collaboration agreements and patents directed to diagnostic detection technologies. Results included favorable trial verdicts, favorable arbitration decisions plus attorneys' fees and highly favorable settlements.

Represented a patent holder of an extensive call processing patent suite against multiple, very large national and multi-national corporations. Results included multiple licenses and aggregate payments in high multi-millions of dollars.

Represented a graphics chip manufacturer in multiple patent infringement defenses. Results included summary judgment of invalidity and highly favorable settlements.

Represented multiple clients in appeals before the Federal Circuit Court of Appeals.

Represented record company in defense of copyright claims, which ended in favorable trial verdict.

Second chair trial counsel representing an exercise machine marketer in jury trial over contract dispute.

Obtained numerous seizure orders of counterfeit merchandise pursuant to trademark law. Prepared all pleadings, obtained orders, organized law enforcement seizures, resolved disputes and disposition of seized merchandise.

Prosecuted misdemeanor trials as temporary associate district attorney.

Represented various pro bono clients; results included obtaining order withdrawing felony conviction.

Handled all aspects of civil litigation, including particularly patents, trademarks, trade secrets and copyright disputes and all aspects of case preparation and management, patents claims construction, experts, injunctions, trials and appeals. Deposed, defended and prepared one hundred plus fact witnesses. Deposed, defended and prepared scores of technical and damages expert witnesses.

Managed many large-scale attorney teams (10-15 attorneys), contract attorney teams (20-30 attorneys), investigation teams (10-20 investigators) and electronic discovery collections and reviews.

Extensive experience in working with client in-house counsel staff, executives, management and engineers.

Prepared and prosecuted scores of patent applications for inventions in the mechanical, electrical and chemical arts.

Prepared and prosecuted hundreds of trademark applications, oppositions and cancellations.

LEGAL WORK HISTORY

Founder – *Law Office of Kent M. Walker*, San Diego, Ca. 8/2010-Present
Partner – *Nydegger and Associates*, San Diego, Ca. 1/2010-7/2010
Partner – *Cooley, Godward, Kronish, LLP*, San Diego, Ca. 1997 - 2009
Associate District Attorney (Temporary) – *San Diego District Attorney’s Office*, El Cajon, Ca. 2002
Associate Attorney/Law Clerk – *Fischbach, Perlstein, Lieberman & Yanny, LLP*, Los Angeles, Ca. 1993 - 1997
Law Clerk - *Los Angeles City Attorney’s Office*, Los Angeles, Ca. 1992 - 1993

CORPORATE WORK HISTORY

Industrial Engineer - *Southern California Gas Company*, Los Angeles, Ca. 1986 -1992

EDUCATION

Juris Doctor - *Loyola Law School*, Los Angeles, Ca. 1994
Bachelor of Science in Industrial Engineering and Management, cum laude 1986
Oklahoma State University, Stillwater, Ok.
Top Five graduating seniors in Engineering
President and Dean's honor roll, Stillwater, Oklahoma.

EXAMPLE ASSOCIATIONS

San Diego Intellectual Property Attorney Association - Past President, Vice President, Secretary, Treasurer and Board member, member.

Association of Business Trial Lawyer - Past Board member, member.

San Diego Chamber of Commerce – Member.

Licensing Executive Society – Past and pending member.

CleanTech – Pending member.