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

Proceeding	92052344
Party	Plaintiff The Unlimited/Alaska Hats & Apparel
Correspondence Address	ROGER W. ZAK THE UNLIMITED/ALASKA HATS & APPAREL 13428 E. VERDA DRIVE , PO BOX 4102 PALMER, AK 99645-4102 UNITED STATES lureofak@mtaonline.net
Submission	Other Motions/Papers
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Date	09/07/2010
Attachments	Initial Disclosure 090710.pdf (7 pages)(45275 bytes)

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

In the matter of U.S. Trademark Registration No. **3454826**

Mark: **CARIBREW CLUB**

Registration Date: June 24, 2008

ROGER W. ZAK AND RHONDA I. ZAK, D/B/A,)
THE UNLIMITED/ALASKA HAT & APPAREL,)
Petitioners,) Cancellation No. **92052344**
v.)
ARABICA FUNDING, INC.)
Registrant)

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

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT
MAY BE USED TO SUPPORT THE UNLIMITED/ALASKA HAT &
APPAREL'S CLAIMS:

Plaintiff's initial disclosure is made without the benefit of any discovery and prior to Defendants' answers. Plaintiff reserves the right to amend its disclosures to add additional witnesses.

A. *Individuals Associated With Plaintiff*

1. Ronald Maclure

Coffee Roastery
4576 S. Glenn Highway
Palmer, AK 99645
907-355-8777

Information includes: Knowledge of the dispute, was the first to roast and package Caribrew™ 'Blended for Those on the Move'™ under the company name Bustin' Coffee for THE Unlimited in 1997. He currently roasts, packages and markets Caribrew™ 'Coffee Blended for Those on the Move'™ with a verbal license agreement. He markets the product with the mark in Alaska, nationally and through internet commerce under the company name Coffee Roastery.

2. Joe Nedland

Nedland Design & Illustration
PO Box 240328
Anchorage, AK 99524
907-563-5005

Information includes: Artist under contract to design the art for our mark Caribrew™ ‘Blended for Those on the Move’™ for original labels, advertising posters and mug designs. Later modified the design to Caribrew™ ‘Coffee Blended for Those on the Move’™.

3. George and Bernadette Augustinack

All Type Printing
PO Box 6
Savage, MN 55378
952-890-3792

Information includes: Knowledge and suppliers as All Type Printing of the original Caribrew™ ‘Blended for Those on the Move’™ labels contracted to Master Craft Labels, Inc. in Minnesota. Labels bearing the mark Caribrew™ ‘Blended for Those on the Move’™ to be used on packaging and in advertising were printed and invoiced by Master Craft Labels, Inc. invoice 00055168 to All Type Printing. All Type Printing subsequently invoiced The Unlimited on invoice 61836. They were shipped to Alaska via U.S. Postal Service from Minnesota.

4. Duane Giarrantana

PO Box 39041
Ninilchik, AK 99639
907-394-3698

Information Includes: Was the first Alaska retailer to purchase Caribrew™ ‘Blended for Those on the Move’™ for resale. Is the former owner of the Ninilchik General Store, under whose name the purchase was made on invoice 11125.

5. Ronald J. Reiser (Deceased, may he rest in peace)

1945 Northwestern Ave
Madison WI 53794

Information included: Was the first to buy and sell Caribrew™ ‘Blended for Those on the Move’™ outside of Alaska and to assist in marketing Caribrew™ ‘Blended for Those on the Move’™ in Wisconsin. First sales were to the No-Name Printing of Madison, WI and Sheila Thomson of Madison WI.

6. Sheila Thomson

455 N. Few St
Madison, WI 53703
608-255-1227

Information includes: Knowledge of and purchased the original Caribrew™ 'Blended for Those on the Move'™ from Ronald J. Reiser. This was paid by check number 2165 to The Unlimited dated June 14, 1997.

7. Gordon Evans

State of Alaska
Department of Commerce and Economic Development
Div. of Banking, Securities and Corporations
PO Box 110808
Juneau, AK 99811-0808
907-465-2530

Information includes: Knowledge of the State of Alaska registered trademark for Caribrew™ 'Blended for Those on the Move'™.

8. Ray Wyatt

American Engraving Co., Inc.
PO Box 4
Sebring, OH 44672
330-823-9248
(Last known address and phone number)

Information Includes: Decorated coffee mugs with the mark Caribrew™ 'Blended for Those on the Move'™ for resale and advertising. They were shipped priority mail under invoice 37255. Also shipped from Ohio decorated mugs bearing the mark Caribrew™ 'Coffee Blended for Those on the Move'™ for sale at Alaska Wild Berry Products in Anchorage, AK.

9. Bill Kellogg

PO Box 11381
Zephyr Cove, NV 89448
907-441-6882

Information includes: Knowledge of and licensee through verbal agreement. He was the manufacturer and wholesale distributor as Off The Wall d/b/a Bush Pilot Coffee Co. to package and distribute Caribrew™ 'Blended for Those on the Move'™ until 2002. Was the first to distribute Caribrew™ 'Blended for Those on the Move'™ into Walmart and other markets. Royalties were paid by All Alaskan Gifts on Bush Pilot Coffee Item BPC-F2 (Caribrew 2oz) and BPC-H2 (Black Gold 2oz).

10. Peter Eden

Alaska Wild Berry Products
5225 Juneau Street
Anchorage, AK 99518

Information includes: Knowledge of Caribrew™ ‘Blended for Those on the Move’™ as a retail buyer. Alaska Wild Berry Products/All Alaskan Gifts and Alaska Wild Berry Products/All Alaskan Wholesale held signed contractual license agreements to package and distribute Caribrew™ ‘Coffee Blended for Those on the Move’™ from 2002 and 2003 through May 31, 2008. Alaska Wild Berry Products also sold mugs bearing the mark Caribrew™ ‘Coffee Blended for Those on the Move’™, which were supplied by American Engravers shipped to Alaska from Sebring, Ohio. The license agreement expired as they focused on selling their hallmark products. They continue to sell Caribrew™ ‘Coffee Blended for Those on the Move’™ and other coffee labels from the Coffee Roastery, including The Unlimited’s Great Mountain™ Series coffees.

B. Individuals and Entities Affiliated with Defendants

Unknown

C. Third Party Witnesses

Unknown

II. CATEGORIES AND LOCATION OF DOCUMENTS:

1. Documents related to artwork designed by Nedland Design & Illustration, invoices 97013 dated 2/3/97 and 97016 dated 2/27/97 for preparation of items for trade show, labels and advertising.
2. Documents related to the inquiry for packaging costs of product bearing the mark for wholesale distribution were made to Bustin’ Coffee on Feb 6, 1997 via fax, Kaladi Brothers Coffee on Feb 7, 1997 via fax and Café Del Mundo on Feb 7, 1997 via fax.
3. Documents related to the contract printing by Master Craft Labels, Inc of Eden Prairie, Minnesota for labels bearing the mark was billed by Master Craft Labels invoice 00055168 dated 04/24/97 to All Type Printing. This invoice was later billed to The Unlimited by All Type Printing of Burnsville Minnesota on invoice 61836 dated 7-19-97. The labels bearing the mark were shipped US Mail.

4. Documents related to first date of sale of product bearing the mark. The Unlimited packing slip/invoice 11125 dated Mar 27, 1997, shipped May 15, 1997 to Ninilchik General Store, Ninilchik Alaska. Paid by Ninilchik General Store check 7335 dated 6-4-97, signed by Judith A. Giarantana.
5. Documents related to Application for Re-Certification of the MADE IN ALASKA program, permit number 1485 dated 04/28/1997 to include Caribrew™ Coffee. This program allows a special symbol to be applied to products made in Alaska.
6. Documents related to the packaging of product bearing the mark for wholesale distribution were made from Bustin' Coffee. The earliest found is dated May 22, 1997.
7. Documents related to the purchase for resale of the product bearing the mark in Wisconsin commerce issued by R J Reiser, check number 1602, dated 6-11-97.
8. Document related to the sale of the product bearing the mark in Wisconsin commerce issued by Sheila Thomson, check number 2165, dated June 14, 1997.
9. Documents related to the Certificate of Registration for the mark with the State of Alaska issued November 10, 1997. This document reflects March 7, 1997 as first date of use anywhere and in the State of Alaska. This date was the first use in advertising the product for sale.
10. Document related to the decorating of mugs bearing the mark for resale and advertising by American Engraving Co., Inc. of Sebring, OH, invoice 37255, dated 1/20/98.
11. Document related to the decorating of mugs bearing the mark by Kamar Industries, Inc. of Hudson Falls, NY, invoice 007960 dated January 23, 1998.
12. Documents related to the payment of royalties for Bush Pilot Company items BPC-F2 which bears the mark from All Alaskan Gifts. The first was dated 7/26/02 and paid by Alaska Wild Berry Product check 61731, dated 09/03/02.
13. Documents related to the two licensing agreements with Alaska Wild Berry Products/All Alaskan Gifts and Alaska Wild Berry Products/All Alaskan Wholesale, dated and signed 2-28-02 and 3-20-03 respectively to manufacture and market products bearing the mark.

All of the aforesaid documents are located at THE Unlimited at the following address:

Mailing Address:

PO Box 4102

Palmer, AK 99645-4102

Physical Address:

13428 E. Verda Dr.

Palmer, AK 99645

III. COMPUTATION OF DAMAGES

The Unlimited is suffering the damages of not being able to register their rightful mark and therefore it is limiting them from moving forward with marketing, and licensing agreements for marketing and royalties.

Total damages: Unknown.

IV. INSURANCE

Unknown

CERTIFICATION OF SERVICE

I hereby certify that the foregoing document has been served via email to Michael Tattersfield, CEO Caribou Coffee via Barbara Pearson at bpearson@cariboucoffee.com, Elizabeth C. Buckingham at buckingham.elizabeth@dorsey.com and Heather D. Redmond at Redmond.heather@dorsey.com and her assistant Deanna Bianchi-Rossi at bianchi-rossi.deanna@dorsey.com, Attorneys for the Opposer, Arabica Funding, Inc. This foregoing document was also served by e-mails to Arabica Funding, Inc. via Tami Gerardi at tami@nationalcorp.com, Lynn Melvin at Lynn@nationalcorp.com, Sheila McGinness SMcGinness@nationalcorp.com in care of National Corporate Research, LTD., on this 7th day of September, 2010.


Rhonda I. Zak