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

Proceeding	92061164
Party	Defendant Kleansmart Corporation
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Date	08/27/2015
Attachments	Rule 26a1 disclosures.pdf(37845 bytes )

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

Cleansmart Cleaners, LLC,

Petitioner,

v.

Kleansmart Corporation,

Registrant.

Cancellation No.: 92061164

Registration No. 4,040,999

Mark: **KLEANSMART & Design**

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**REGISTRANT’S RULE 26(a)(1) DISCLOSURES**

Registrant Kleansmart Corporation (“Registrant”), through its undersigned attorneys and pursuant to Rule 26(a)(1), Fed.R.Civ.P., and 37 C.F.R. § 2.120(a)(2), hereby makes the following initial disclosures available to Petitioner Cleansmart Cleaners, LLC (“Petitioner”) as of today’s date.

As a preliminary matter, Registrant advises that these disclosures are based upon a good faith review of the information readily available to Registrant at this time. Registrant reserves the right to supplement or amend its disclosures, if and as it becomes aware of any additional individual(s), information or documents(s) to be disclosed. These disclosures are made expressly subject to and without waiving any applicable privileges or exemptions from discovery, including but not limited to the attorney-client privilege, the investigative privilege, the attorney work-product doctrine, or any other applicable privilege or protection.

**A. Witnesses**

The following individuals are likely to have discoverable information that Registrant may use to support its claims or defenses (other than solely for impeachment), with his/her schedules and availability to be coordinated through Registrant’s counsel.

	<b>Witness</b>	<b>Subject Matter of Information</b>
1.	Mr. Francisco Martinez c/o Registrant’s counsel	The creation, adoption, and use of Registrant’s mark; Registrant’s sales; Registrant’s product’s channels of trade; the sophistication of Registrant’s customers; and the reputation of Registrant and its services.
2.	Gustavo Romer Perez c/o Registrant’s counsel	The creation, adoption, and use of Registrant’s mark; Registrant’s sales; Registrant’s product’s channels of trade; the sophistication of Registrant’s customers; and the reputation of Registrant and its services.
3.	Karla Romer Valeri c/o Registrant’s counsel	The creation, adoption, and use of Registrant’s mark; Registrant’s sales; Registrant’s product’s channels of trade; the sophistication of Registrant’s customers; and the reputation of Registrant and its services.
4.	Witnesses identified by Petitioner	The creation, adoption, and use of Petitioner’s mark, the reputation of Petitioner’s products and/or services, and knowledge of Registrant’s use of Registrant’s mark.

**B. Documents, Data Compilations and Tangible Things**

Registrant lists the following documents, data compilations or things that relate to the claims in this case. Registrant objects to producing documents and things within the categories listed below that may be confidential, a trade secret, proprietary and/or subject to the work product and/or attorney client privilege, except as allowed under the Board’s Standard Protective Order.

	<b>Item</b>	<b>Custodian</b>
1.	Petition to Cancel and Responsive Filings	USPTO
2.	USPTO file history for Petitioner’s mark	USPTO

3.	USPTO file history for Registrant's marks	USPTO
4.	Petitioner's actual and/or proposed promotional materials. Documents relating to the nature and extent of Petitioner's use of its mark, reputation of Petitioner's mark, and revenue related to Petitioner's mark.	Petitioner's counsel
6.	Registrant's actual and/or proposed promotional materials. Documents relating to the nature and extent of Registrant's use of its mark, reputation of Registrant's mark, and revenue related to Registrant's mark.	Registrant's counsel

Dated:

Respectfully submitted,

/Allison R. Imber/

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Attorneys for Registrant

**Certificate of Service**

The undersigned hereby certifies that on this 27<sup>th</sup> day of August, 2015, a copy of the foregoing was served via first class mail, postage prepaid, on the following:

John M. Cone, Esq.  
Ferguson, Braswell & Fraser, PC  
2500 Dallas Parkway, Suite 501  
Plano, Texas 75093

/Michele Garcia/

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Michele Garcia