

ESTTA Tracking number: **ESTTA244433**

Filing date: **10/23/2008**

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

Proceeding	91183239
Party	Defendant The Cowboy Group, Incorporated
Correspondence Address	THOMAS J. ROSSA HOLME ROBERTS & OWEN, LLP 299 SOUTH MAIN STREET SUITE 1800 SALT LAKE CITY, UT 84111-2263 UNITED STATES Thom.Rossa@hro.com
Submission	Other Motions/Papers
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Date	10/23/2008
Attachments	2008_10_23_Initial_Disclosures.pdf ( 4 pages )(101734 bytes )

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

Americana International Limited,	:	In re:	Trademark Application
a U.K. company	:	Serial No.:	77/268,033
	:	For Mark:	MILLION DOLLAR
Opposer,	:		COWBOY BAR
	:	Filing Date:	30 August 2007
vs.	:	Publication Date:	26 February 2008
	:		
The Cowboy Group, Incorporated,	:		
a Wyoming corporation	:	Opposition No.:	91183239
	:		
Applicant.	:		

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, the Applicant and party in the position of defendant, The Cowboy Group, Incorporated, (hereinafter “CGI”) makes the following Initial Disclosures. CGI makes the following disclosures subject to, and without waiving, its right to protect from disclosure (a) all communications protected by the attorney-client privilege, (b) all documents protected by the attorney work product doctrine, and, until a suitable protective order is entered protecting the confidential information, (c) all proprietary and confidential information concerning CGI operations, and (d) all confidential information about employees of CGI.

CGI has not yet completed all of its internal and external investigations to identify all the facts, documents and things related to this dispute. Consequently, all of the responses contained herein are based only on such information and documentation that has been collected to date. It is anticipated that further investigation will identify additional documents and uncover facts, add meaning to known facts, and perhaps establish entirely new factual conclusions, all of which

may in turn lead to substantial additions or changes to these disclosures. Accordingly, CGI reserves the right to supplement or amend these disclosures pursuant to the applicable Federal Rules of Civil Procedure and local rules of the Trademark Trial and Appeal Board (TTAB).

Subject to and without waiving the foregoing objections, CGI makes the following disclosures:

A. Individuals likely to have discoverable information:

With respect to each current or former employee of CGI listed below, no contact should be made without first obtaining permission from counsel for CGI.. Any effort to make such contact will be considered an improper attempt to communicate with a represented client. In addition to those persons listed by Defendant in its initial disclosures, CGI identifies the following:

<b>Carol Anderson</b>	She is an officer of CGI with knowledge of the history and use of the mark MILLION DOLLAR COWBOY BAR and the goods with which it is associated. She also has knowledge about all facts of operations, products, marketing and the finances of the company.
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B. Documents:

CGI is producing a CD disc with images of documents in its possession, custody or control, which CGI currently believes may be used to support its claims. Confidential documents are being collected.

The images bearing Bates Range CG000001 to CG001487 are being provided to counsel for Americana International Ltd (hereinafter "AIL")

CGI is also producing a withheld document list.

C. Calculation of Damages:

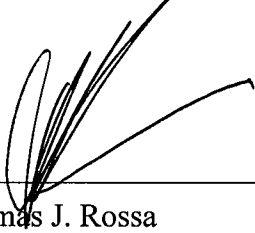
Damages are not an issue in this proceeding

D. Insurance:

No insurance agreement is believed to be applicable.

Dated this 23 day of October, 2008.

By \_\_\_\_\_

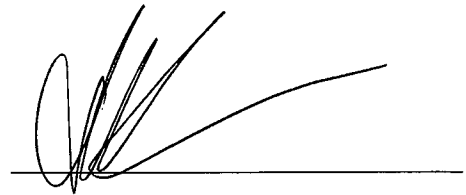


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801 521 9639 (fax)  
Attorneys for Cowboy Group  
Incorporated.

CERTIFICATE OF SERVICE

I hereby certify that on this 23 day of October, 2008, a true and correct copy of the foregoing Initial Disclosures, along with CD No. 1 (dated October 23, 2008), and the Withheld Document List (dated October 23, 2008) was sent via U.S. Mail, postage prepaid to:

Thomas F. Dunn  
Morse Barnes-Brown & Pendleton, P.C.  
1601 Trapelo Road, Suite 205  
Waltham, MA 02451

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by several vertical strokes and a long horizontal line extending to the right.