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

Proceeding	91203245
Party	Plaintiff MerchSource, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MerchSource, LLC)	
)	
Opposer)	Opposition No. 91203245
)	
v.)	Mark: PETPADSTERS
)	
Elsa Baby Ltd.)	Serial No. 85/136,701
)	
Opposer)	
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OPPOSER'S INITIAL DISCLOSURES

Opposer MerchSource, LLC (“Opposer”), by its undersigned counsel, hereby makes the following initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) and 37 C.F.R. § 2.120. These initial disclosures are based upon information and/or documents reasonably available to Opposer and reflect only the current state of its knowledge, understanding and belief. Opposer has not completed its investigation of the information and documents relating to this case and anticipates that additional information and documents may be discovered as this case proceeds. Opposer reserves its right to modify and/or supplement the following disclosures with information and/or documents which are subsequently discovered and/or omitted as a result of mistake, error, oversight or inadvertence. The following disclosure is also made without prejudice to Opposer’s right to use or rely upon, any such additional information and/or documents.

Further, in determining which information and documents are potentially within the purview of the initial disclosure requirements, Opposer has attempted to be as inclusive as

possible in order to comply with the spirit of the early disclosure requirements set forth in the Federal Rules of Civil Procedure, and CFR § 2.120. Therefore, the disclosure of the information and documents herein is not intended to be, and does not constitute, an admission that they are necessarily within the purview of the initial disclosure requirements, admissible as evidence, or germane to the issues that will be presented during the trial of this matter. Opposer reserves its right to disclose additional information and/or documents during its trial period, as well as its right to object to the introduction at trial of the information and/or documents included in these responses.

I. As of the date of this disclosure, individuals likely to have discoverable information that Opposer may use to support its claims in this proceeding include, without limitation:

1. Kirk McLean, 19517 Pauling, Foothill Ranch, California 92610.

Mr. McLean has knowledge relating to the registration and application of Opposer's trademark, PET'S PAD & Design, U.S. Registration No. 4,075,973, as identified in the Notice of Opposition ("Opposer's Trademark"), use of Opposer's Trademark, sales and marketing information for products bearing Opposer's Trademark, distribution of products bearing Opposer's Trademark, and general company information.

2. Applicant's Person(s) Most Knowledgeable under Fed. R. Civ. P. 30(b)(6)

regarding the following information:

Use and adoption of Applicant's mark; sales and marketing information for products bearing Applicant's mark; distribution of products bearing Applicant's mark; Applicant's marketing, customer, distributor and retailer information; Applicant's general company information.

II. Opposer has in its possession, custody or control the following categories of documents and things that it may use to support its claims or defenses in this proceeding:

1. Documents and things relating to the use of Opposer's Trademark;


2. Documents and things relating to the registration and application for registration of Opposer's Trademark;
3. Documents and things relating to the first use of Opposer's Trademark in the United States; and
4. Documents and things relating to the advertising, marketing and sale of goods under Opposer's Trademark.

These documents are located at Opposer's offices at 19517 Pauling, Foothill Ranch, California 92610, or through its undersigned counsel in Encino, California.

Dated: _____

4/13/12

Respectfully submitted,

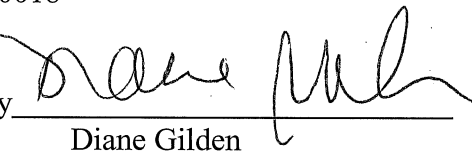


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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing **OPPOSER'S INITIAL DISCLOSURES** was mailed, first class, postage prepaid this 12th day of April, 2012, to the following attorneys for Applicant:

Amy B. Goldsmith
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By 
Diane Gilden