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

Proceeding	91209815
Party	Plaintiff Cartier International A.G.
Correspondence Address	JOHN P MARGIOTTA FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES jmargiotta@fzlz.com, eweiss@fzlz.com, ykarzoan@fzlz.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John P. Margiotta
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Signature	/John P. Margiotta/
Date	10/30/2015
Attachments	Opposer's Notice of Reliance on Discovery Responses.PDF(586030 bytes)

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

CARTIER INTERNATIONAL A.G.,

Opposer,

v.

LANCE COACHMAN,

Applicant.

Opposition No. 91/209815

OPPOSERS' NOTICE OF RELIANCE ON DISCOVERY RESPONSES

Pursuant to Rule 2.120(j) of the Trademark Rules of Practice and Section 704.10 of the Trademark Trial and Appeal Board Manual of Procedure, Opposer Cartier International A.G. (“Opposer”) hereby makes of record and notifies Applicant Lance Coachman (“Applicant”) of its reliance on of its reliance on the following:¹

1. Applicant’s responses to Opposer’s Interrogatory Nos. 1, 5, 6, 7, 8, 9, 10, and 11, dated March 27, 2014, a true and correct copy of which is attached hereto as **Exhibit CT 40**; and
2. Applicant’s amended response to Opposer’s Interrogatory Nos. 4 and 12, dated February 5, 2015, a true and correct copy of which is attached hereto as **Exhibit CT 41**.

¹ The discovery requests and responses identified herein use certain defined terms. For the convenience of the Board, a copy of the “Definitions and Instructions” section of Opposer’s First Set of Interrogatories, dated January 10, 2014, is attached hereto as **Exhibit CT 39**.

Dated: New York, New York
October 30, 2015

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:  _____

John Margiotta

Emily Weiss

866 United Nations Plaza

New York, New York 10017

Tel: (212) 813-5900

Email: jmargiotta@fzlz.com


eweiss@fzlz.com

Attorneys for Opposer Cartier International A.G.

CERTIFICATE OF SERVICE

I hereby certify that I caused, on this 30th day of October 2015, a copy of the foregoing **Opposer's Notice of Reliance on Discovery Responses** to be sent by FedEx overnight delivery in an envelope addressed to counsel for Lance Coachman:

Reginald J. Hill, Esq.
D. Matthew Feldhaus, Esq.
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456



Emily Weiss

EXHIBIT CT 39

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

CARTIER INTERNATIONAL A.G.,

Opposer,

v.

LANCE COACHMAN,

Applicant.

Opposition No. 91209815

OPPOSER'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 33 of the Federal Rules of Civil Procedure, Opposer Cartier International A.G. ("Opposer") requests that Applicant Lance Coachman ("Applicant") answer the following interrogatories by serving written responses thereto at the offices of Opposer's attorneys, Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, Attention: John P. Margiotta, within the time specified by the Federal Rules of Civil Procedure as incorporated by the Trademark Rules of Practice.

DEFINITIONS AND INSTRUCTIONS

A. The term "Applicant," "you" or "your" means Applicant Lance Coachman and each of his agents, and all other persons or entities acting or purporting to act on his behalf and all of his representatives, including his attorneys.

B. The term "Opposer" means Opposer Cartier International A.G., and any company controlled by or affiliated with it; any division, parent, subsidiary, licensee, franchisee, successor, predecessor-in-interest, assign or other related business entity and every officer, employee, agent,

attorney or other person acting or purporting to act on its behalf or through whom it acts or has acted.

C. The term “Opposer’s Mark” shall mean Opposer’s TRINITY mark.

D. The term “Application” shall mean U.S. Trademark Application Serial No. 85/604,000.

E. The term “Applicant’s Mark” shall mean Applicant’s purported TRINITY mark, subject to the Application.

F. The terms “mark,” “trademark” and “trade name” each incorporate trademarks, service marks, trade names and service names.

G. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

H. The term “document” shall include, without limitation, the items set forth in Federal Rule of Civil Procedure 34, as well as any tangible thing in Applicant’s possession, custody or control, or of which Applicant has knowledge, wherever located, whether sent or received or neither, whether an original or a copy, including, without limitation, emails, files maintained in an electronic format on a computer or on any storage device, correspondence, memoranda, printed matter, reports, records, notes, calendars, diaries, telegrams, telexes, studies, market surveys, market research, tabulations, contracts, invoices, receipts, vouchers, registrations, books of account or financial records, notes, advertisements, trademark search reports, directories, publications, computer tapes and printouts, microfilms or the like, and photographs. In all cases where originals and/or non-identical copies are not available, the term “document” also means identical copies of original documents and copies of non-identical copies.

I. The term “Market Research” as used herein includes all surveys, polls, focus groups, market research studies and other investigations conducted by or on behalf of Applicant, whether or not such investigations were completed, discontinued or fully carried out.

J. The term “identify” when used in reference to:

(i) an individual means to state the person’s full name, present or last known complete address, the person’s present or last known place of employment or business affiliation (including complete address), the person’s position at his or her place of employment or business affiliation, and nature of the person’s relationship to Applicant;

(ii) a business entity or institution means to state its full name and address and its relationship to Applicant;

(iii) an oral communication means to describe the date and time of the communication, the place where the communication occurred, the persons involved in the communication, any other person present, and the substance of the communication;

(iv) a document means to describe specifically the document, including, where applicable, the subject matter of the document, its date, the name, title and address of each writer or sender and each recipient, its present location and custodian, and, if any such document is not in Applicant’s possession or subject to his control, state what disposition was made of it, by whom, and the date thereof. A copy of the document may be furnished in lieu of identifying it, provided the document contains the above information or Applicant separately furnishes it when furnishing the document.

K. The term “describe,” with respect to communications, shall mean to state or identify the date, time of day, duration, location, persons involved, witnesses, physical occurrences, and a summary of the substance of any conversations. With respect to documents,

“describe” shall mean to identify the type of document, its date, its author, its recipients, and to provide a summary of the substance thereof.

L. Whenever the terms “and” or “or” are used they are to be construed both disjunctively and conjunctively as necessary to bring within the scope of these discovery requests responses that might otherwise be construed to be outside the scope.

M. The use of the singular form of any word includes the plural and vice versa. References to the masculine gender shall apply equally to the feminine gender.

N. In answering these interrogatories, even though the questions may be directed to “you,” furnish all information that is available to Applicant, including information in the possession of Applicant’s attorneys or investigators that has been prepared or assembled on Applicant’s behalf. If you cannot answer any of the following interrogatories in full after exercising due diligence to secure the information, state an answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

O. To the extent that any of the following interrogatories may call for information subject to a claim of privilege (including attorney work product protection), answer so much of each interrogatory and each part thereof as does not request privileged information. With respect to those portions of these interrogatories which do request privileged information, set forth the basis for your claim of privilege or any other objection you may have.


P. Any objection to any interrogatory for which a basis has not been specifically stated within the time provided by the Federal Rules of Civil Procedure shall be waived.

Q. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response.

R. These interrogatories are intended to be continuing. If at any time after you prepare and furnish the requested discovery you ascertain or acquire additional information, you are requested to produce such supplemental information to Opposer within thirty (30) days.

Dated: New York, New York
January 10, 2014

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
John P. Margiotta
Emily Weiss
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January 2014, I caused a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES to be served by email and first class mail on the correspondent of record at the following address:

Reginald J. Hill, Esq.
rhill@jenner.com; achi@jenner.com
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456



John P. Margiotta

EXHIBIT CT 40

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

CARTIER INTERNATIONAL A.G.,)	
)	
Opposer,)	
)	Opposition No. 91209815
v.)	
)	App. Serial No. 85/6040000
LANCE COACHMAN,)	
)	Mark: TRINITY
Applicant.)	
)	
)	

**APPLICANT’S RESPONSE TO OPPOSER’S
FIRST SET OF INTERROGATORIES**

GENERAL OBJECTIONS

Applicant asserts the following General Objections whether or not separately set forth in response to each of the Interrogatories:

1. Applicant objects to the definition of “you,” “your” and “Applicant” and all other Definitions, Instructions, Interrogatories to the extent each seeks information not reasonably available to, or not within Applicant’s possession, custody, or control.
2. Applicant objects to each Interrogatory to the extent it calls for a legal conclusion.
3. Applicant objects to each Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, joint defense or common interest privilege, or any other applicable privilege, doctrine, immunity, or rule. Any inadvertent production of such information shall not be construed as a waiver of any privilege.
4. Applicant objects to each Interrogatory to the extent it seeks information beyond the scope of disclosure provided for by the Federal Rules of Civil Procedure and the Trademark

Trial and Appeal Board's ("TTAB") rules of practice. Applicant will supplement its answers and produce documents in accordance with the Federal Rules of Civil Procedure and the TTAB's rules of practice.

5. Applicant objects to each Interrogatory to the extent it is overbroad, unduly burdensome, or seeks information that is not material, not relevant, or not reasonably calculated to lead to the discovery of admissible evidence.

6. By answering these Interrogatories, Applicant does not concede the relevancy, materiality, propriety, or admissibility of the information provided.

7. The responses to the Interrogatories set forth below are made solely for the purpose of this action. Applicant has not completed its investigation of the facts relating to this case, discovery in the action, or its preparation for trial. The responses provided here are based on the documents and things presently available to and located by Applicant and its attorneys. Applicant reserves the right to produce additional documents and things in the future, and failure to produce such documents and things at this time shall not waive Applicant's right to offer such documents and things into evidence at trial or in other proceedings.

8. The specific objections stated in the responses do not limit or restrict these General Objections, which are incorporated into each response.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail how Applicant currently uses and intends to use Applicant's Mark in the future.

RESPONSE TO INTERROGATORY NO. 1:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 1 as follows: Applicant currently uses and intends to use TRINITY in

connection with leather handbags. Applicant currently produces and sells one style of leather handbags in three colors. Applicant has also designed a leather evening handbag and intends to use TRINITY in connection with this style in the future. Pursuant to Fed .R. Civ. P. 33(d), Applicant identifies its website, www.trinitywerks.com, and the following documents that can be reviewed to identify the information sought by this Interrogatory: Applicant 0018-20.

INTERROGATORY NO. 5:

Describe in detail the types of consumers to whom Applicant markets and intends to market its goods under Applicant's Mark, including by identifying the demographics of such consumers.

RESPONSE TO INTERROGATORY NO. 5:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 5 as follows: Applicant markets and intends to market his TRINITY leather handbags to upscale boutiques and department stores in the U.S. and in Europe. Applicant's product is in the category of a lower-end expensive handbag, in the \$300-600 range. Applicant intends to sell the TRINITY leather handbags for \$399 at upscale boutiques and department stores. Applicant's key consumer demographic are women between the ages of 25-40, with disposable income, predominantly aimed at corporate or wealthy women. Applicant's TRINITY leather handbags are particularly attractive on athletic women, as the handle of the bag accentuates toned arms.

INTERROGATORY NO. 6:

Identify the geographical locations (by identifying the city and state) within the United States where Applicant is offering for sale or selling goods under Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 6:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 6 as follows: Applicant sold and offers for sale the TRINITY handbag in Chicago, District of Columbia, Miami and Atlanta.

INTERROGATORY NO. 7:

Identify the geographical locations (by identifying the city and state) within the United States where Applicant plans to offer for sale goods under Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 7:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 7 as follows: Applicant plans to offer for sale the TRINITY handbag throughout the U.S.

INTERROGATORY NO. 8:

Identify the type of media (*e.g.*, brochures, television commercials, radio, newspaper, magazine, Internet, point-of sale materials, etc.) and all media outlets (*e. g.*, *Time Magazine*, BBC Television, www.cnn.com) within each specific medium through which Applicant or any authorized third parties have advertised or intend to advertise and promote goods under Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 8:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 8 as follows: Cynthia Bailey from the television series *The Real Housewives of Atlanta* tweeted a photograph of herself carrying Applicant's TRINITY leather handbag on May 24, 2012. Pursuant to Fed .R. Civ. P. 33(d), Applicant identifies the following documents that can be reviewed to identify the information sought by this Interrogatory: Applicant 0001-17.

INTERROGATORY NO. 9:

Identify all events or trade shows at which Applicant has utilized or plans to promote goods bearing Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 9:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 9 as follows: Applicant has not utilized nor promoted the TRINITY leather handbags at any events nor trade shows and does not currently have any plans to promote the handbags at any events or trade shows.

INTERROGATORY NO. 10:

Identify each person and organization (*e.g.*, advertising agencies, marketing firms) that has participated or plans to participate in promotion of goods bearing Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 10:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 10 as follows: Applicant has not engaged and currently has no plans to engage any advertising firms, marketing firms or other types of agencies to promote the TRINITY leather handbags.

INTERROGATORY NO. 11:

State the amount of money Applicant has spent on advertising and promotion of goods bearing Applicant's Mark since the date of first use of Applicant's Mark, on both a monthly and an annual basis.

RESPONSE TO INTERROGATORY NO. 11:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 11 as follows: Applicant has spent approximately \$6,000.00 on advertising and promotion of goods bearing the TRINITY mark since the date of first use. Pursuant to Fed .R. Civ. P. 33(d), Applicant identifies the following documents that can be reviewed to identify the information sought by this Interrogatory: Applicant 0001-17.

Date: March 27, 2014

Respectfully submitted,

LANCE COACHMAN

By: / Reginald J. Hill /

Reginald J. Hill
H. Ashley Chi
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456
(312) 222-9350

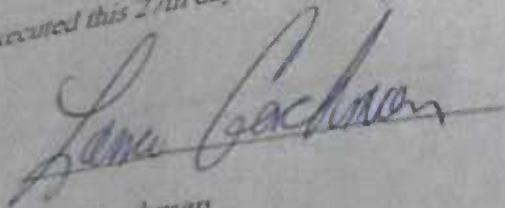
Attorneys for Applicant

VERIFICATION

I, Lance Coachman, hereby declare and state that all of the facts stated in the above-cited responses have been assembled by myself and by my counsel. I verify that the matters stated therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of March, 2014.

A handwritten signature in cursive script that reads "Lance Coachman". The signature is written in dark ink and is positioned above the printed name.

Lance Coachman

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES** has been served upon counsel for Opposer CARTIER INTERNATIONAL A.G. on March 28, 2014, via First Class Mail, postage prepaid, and via email to:

John P. Margiotta
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 United Nations Plaza
New York, New York 10017
(212) 813-5900
jmargiotta@fzlj.com

/ H. Ashley Chi /
Reginald J. Hill
H. Ashley Chi
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456
(312) 222-9350
Attorneys for Applicant

EXHIBIT CT 41

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

CARTIER INTERNATIONAL A.G.,)	
)	
Opposer,)	
)	Opposition No. 91209815
v.)	
)	App. Serial No. 85/6040000
LANCE COACHMAN,)	
)	Mark: TRINITY
Applicant.)	
)	
)	

**APPLICANT’S AMENDED RESPONSE TO OPPOSER’S
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Applicant Lance Coachman (“Applicant”) amends his responses to Opposer Cartier International A.G.’s (“Opposer” or “Cartier”) Interrogatory Nos. 4 and 12 as follows:

GENERAL OBJECTIONS

Applicant incorporates herein the general objections asserted in Applicant’s prior responses to Opposer’s First Set of Interrogatories.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 4:

(a) Identify the earliest date upon which Applicant used Applicant's Mark, and describe in detail the nature of such use; and

(b) For each of the goods identified in Interrogatory No.3, identify all facts concerning Applicant's first use of Applicant's Mark in commerce in connection with such good, and identify

documents sufficient to show Applicant's first use of Applicant's Mark in connection with such good.

ORIGINAL RESPONSE TO INTERROGATORY NO. 4 (DATED MARCH 28, 2014):

Applicant objects to Interrogatory No. 4 as compound, and counts each discrete subpart as a separate interrogatory.

Subject to and without waiving the General and Specific Objections, Applicant responds to Interrogatory No. 4 as follows: Applicant's earliest use of the TRINITY mark was in or around March 2011. Applicant gifted a TRINITY leather handbag to Ms. Onuzo, the wife of Pastor Chika Onuzo at Resurrection House For All Nations in Union City, Georgia. The TRINITY mark is shown at two locations – on the body of the handbag and on the leather tag attached to the handbag.

Applicant's first use in commerce of the TRINITY mark was the sale of one TRINITY leather handbag to Patricia Whatley Langston in or around May 2011 in Atlanta, Georgia. Applicant is part of Glory Works, a ministry for entrepreneurs at his local church. Applicant brought his products to a Glory Works entrepreneur meeting in or around April 2011 and told other members of Glory Works about his TRINITY leather handbag. Someone who attended the Glory Works entrepreneur meeting in or around April 2011 mentioned Applicant's product to Ms. Langston and Ms. Langston subsequently purchased one TRINITY leather handbag from Applicant.

AMENDED RESPONSE TO INTERROGATORY NO. 4 (PRESENT):

Applicant amends its above response to the interrogatory as follows:

Applicant objects to Interrogatory No. 4 as compound, and counts each discrete subpart as a separate interrogatory.

Subject to and without waiving the General and Specific Objections, Applicant responds to Interrogatory No. 4 as follows: Applicant's earliest use of the TRINITY mark anywhere and in interstate commerce was in or around March 2012. Applicant gave a TRINITY leather handbag to Ms. Onuzo, the wife of Pastor Chika Onuzo at Resurrection House For All Nations church in Union City, Georgia. Resurrection House For All Nations church has approximately 1500 members. The TRINITY mark is shown at two locations – on the body of the handbag and on the leather tag attached to the handbag.

After giving a bag to Ms. Onuzo, Applicant also offered the bags for sale at a Glory Works entrepreneur meeting, which is a ministry for entrepreneurs by the Resurrection House For All Nations church. Applicant brought his products to a Glory Works entrepreneur meeting in or around April 2012, and Applicant told other members of Glory Works about his TRINITY leather handbag. Glory Works entrepreneur meetings are attended by as many as 70 people on occasions. Applicant believes that as a consequence of Ms. Onuzo's use of Applicant's TRINITY bag and the discussions with Glory Works members, Ms. Patricia Whatley Langston, who attended Resurrection House For All Nations church, subsequently purchased one TRINITY leather handbag from Applicant in or around May 2012 in Atlanta, Georgia.

INTERROGATORY NO. 12:

State Applicant's total actual sales to date, if any, on both a monthly and an annual basis (in terms of both dollars and units sold) since the date of first use of Applicant's Mark for goods bearing Applicant's Mark.

ORIGINAL RESPONSE TO INTERROGATORY NO. 12 (DATED MARCH 28, 2014):

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 12 as follows: Applicant has sold 156 leather handbags bearing the TRINITY

mark since the date of first use in or around March 2011. Applicant received a total revenue of \$27,100. Applicant did not maintain sales records on a monthly or on an annual basis and is not able to provide such information.

AMENDED RESPONSE TO INTERROGATORY NO. 12 (PRESENT):

Applicant amends its above response to the interrogatory as follows:

Subject to and without waiving the General Objections, Applicant responds to Interrogatory No. 12 as follows: Applicant has sold approximately 175 leather handbags bearing the TRINITY mark since the date of first use in or around March 2012. Applicant received a total revenue of about \$31,100. Applicant did not maintain sales records on a monthly or on an annual basis and is not able to provide such information.

Date: February 5, 2015

Respectfully submitted,

LANCE COACHMAN

By: / Reginald J. Hill /

Reginald J. Hill
D. Matthew Feldhaus
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456
(312) 222-9350
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S AMENDED RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES** has been served upon counsel for Opposer CARTIER INTERNATIONAL A.G. on February 5, 2015 via First Class Mail, postage prepaid, and via email to:

John P. Margiotta
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 United Nations Plaza
New York, New York 10017
(212) 813-5900
jmargiotta@fzlz.com

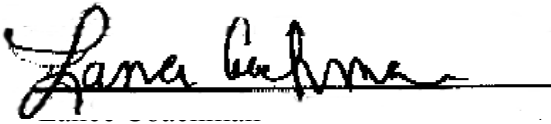
/ D. Matthew Feldhaus /
Reginald J. Hill
D. Matthew Feldhaus
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456
(312) 840-7657
Attorneys for Applicant

VERIFICATION

I, Lance Coachman, hereby declare and state that all of the fact stated in the above-cited responses have been assembled by myself and by my counsel. I verify that the matters stated therein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of February, 2015.

A handwritten signature in black ink, appearing to read "Lance Coachman", is written over a solid horizontal line. Below this line is a dashed horizontal line, which is a common format for a signature line in legal documents.