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

Proceeding	91209815
Party	Defendant Lance Coachman
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Date	12/30/2015
Attachments	Applicants_Notice_of_Reliance_on_Discovery_Responses.pdf(230471 bytes) TW16.pdf(716828 bytes)

**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 NOTICE OF RELIANCE ON DISCOVERY RESPONSES

1. Pursuant to 37 C.F.R. 2.120(j) of the Trademark Rules of Practice and Section 704.10 of the Trademark Trial and Appeal Board Manual of Procedure, Applicant Lance Coachman hereby makes of record and notifies Opposer Cartier International A.G. of its reliance on the following:

a) Opposer’s responses to Applicant’s Interrogatory Nos. 1-2, 5, and 8-9, dated April 9, 2014, a true and correct copy of which is attached hereto as **Exhibit TW 16**.

Date: December 30, 2015

Respectfully submitted,

LANCE COACHMAN

By: / Reginald J. Hill /

Reginald J. Hill
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S NOTICE OF RELIANCE ON DISCOVERY RESPONSES** has been served upon counsel for Opposer **CARTIER INTERNATIONAL A.G.** on December 30, 2015, via First Class Mail, postage prepaid, and via email to:

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Exhibit TW 16

**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 OBJECTIONS AND RESPONSES TO
APPLICANT'S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Rules 2.116 and 2.120 of the Trademark Rules of Practice, Opposer Cartier International A.G. ("Opposer"), by its counsel, Fross Zelnick Lehrman & Zissu, P.C., responds as follows to Applicant's First Set of Interrogatories (the "Interrogatories," and each individually, an "Interrogatory").

GENERAL OBJECTIONS

The following general objections are incorporated in full into each response as if fully set forth therein, and all responses are subject to these general objections.

1. Opposer objects to the instructions and definitions set forth in the Interrogatories to the extent they seek to impose greater burdens on Opposer than are permitted by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

2. Opposer objects to the definition of "identify" to the extent that the definition seeks to impose greater burdens on Opposer than are permitted by the Federal Rules of Civil Procedure and the Trademark Rules of Practice.

3. Opposer objects to any Interrogatory that requires it to “identify evidence,” “identif[y] . . . documents,” or “describe with particularity all documents” as overly broad and unduly burdensome. Where specifically indicated, such documents will be produced.

4. Opposer objects to each Interrogatory as burdensome, overbroad, duplicative, and irrelevant to the extent that it requests “all” information of a specific nature or type, when a limited amount of such information will provide the requested information.

5. Opposer objects to the definition of “Opposer” to the extent that the definition purports to require Opposer to seek or obtain information that is not in its possession, custody, or control.

6. Opposer objects to each Interrogatory that seeks information not within the possession, custody, or control of Opposer.

7. Opposer objects to the Interrogatories on the grounds of privilege to the extent they seek information protected by the attorney-client privilege or the work-product doctrine. Any agreement to disclose information below shall only apply to non-privileged information that is also not subject to the work-product doctrine.

8. Opposer objects to every Interrogatory to the extent that it is not limited to information concerning activities in the United States. Except as otherwise specifically stated, Opposer’s responses are limited to activities in the United States.

9. Where Opposer has made any specific objections, it nevertheless may provide an answer that it considers to be sufficient for the purposes of the action with respect to the subject of the Interrogatory. The fact that Opposer has provided such answer is not a waiver of its objections.

10. Opposer's responses and objections are without prejudice to, and Opposer does not waive, any evidentiary objections relating to any Interrogatory or the answer to any Interrogatory.

11. Opposer objects to every Interrogatory to the extent that it calls for confidential information. Opposer will provide confidential information only after entry of an appropriate protective order.

12. Opposer has not concluded its investigation of the facts relating to this case and has not completed formal discovery or preparation for trial. Accordingly, there may exist information responsive to the Interrogatories that Opposer does not yet have knowledge of or has not yet located, identified or reviewed. All of the following answers are therefore based on such information currently known or available to Opposer after a reasonable inquiry. Opposer reserves the right to alter, amend or supplement its answers.

13. Nothing contained in any answer to any Interrogatory shall be construed as an admission by Opposer relative to the existence or non-existence of any information, and no such response shall be construed as an admission respecting the relevance or admissibility of any information, or the truth or accuracy of any statement or characterization contained in any Interrogatory.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1:

Identify with particularity each specific product which Opposer has used, intended to use, associated with or alluded to using the term TRINITY, including but not limited to any goods in International Class 18 defined as: "goods made of leather or imitation leather (not included in other classes), in particular document holders, wallets, handbags, rucksacks, travelling bags, valises, trunks and suitcases; saddler."

Response to Interrogatory No. 1:

Opposer objects to Interrogatory No. 1 as unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible or relevant evidence. Subject to and without waiving the foregoing General and Specific Objections, pursuant to Federal Rule of Civil Procedure 33(d), Opposer will produce documents sufficient to show representative examples of the products that have been sold under Opposer's TRINITY mark. Opposer further responds that it previously sold handbags and wallets under its TRINITY mark in the United States in 2004 and 2005, and that it has the present intention to use its TRINITY mark in the United States in connection with goods made of leather or imitation leather, in particular, document holders, wallets, handbags, rucksacks, traveling bags, valises, trunks, and suitcases.

Interrogatory No. 2:

Identify the date of Opposer's first use of the term TRINITY and the date of Opposer's first use in commerce of the term TRINITY in the United States of America in conjunction with any goods in International Class 18.

Response to Interrogatory No. 2:

Subject to and without waiving the foregoing General Objections, Opposer first used the term TRINITY in commerce in the United States in connection with goods in International Class 18 in 2004. In addition, Opposer owned U.S. Trademark Registration No. 2,944,103 from April 26, 2005 until December 9, 2011, which registration covered "Goods made of leather or imitation of leather, namely, document cases, credit card cases, business card cases, wallets, handbags, rucksacks, traveling bags, valises, trunks, suitcases, luggage, briefcases; saddlery." Opposer also has the present intention to use its TRINITY mark in the United States in connection with goods made of leather or imitation leather, in particular, document holders, wallets, handbags, rucksacks, traveling bags, valises, trunks, and suitcases.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Interrogatory No. 5:

Identify the dates and circumstances under which Opposer contends it has continuously used the term TRINITY in commerce in the United States of America in conjunction with any goods in International Class 18 from the date of first use to the present.

Response to Interrogatory No. 5:

Subject to the foregoing General and Specific Objections, Opposer does not contend that it has used its TRINITY mark in the United States in connection with goods in International Class 18 on a continual basis since its date of first use. It used the mark in connection with Class

18 goods in 2004 and 2005, its TRINITY mark is well known and it uses or licenses use of that mark on goods outside of Class 14. Opposer also has the present intention to use its TRINITY mark in the United States in connection with goods made of leather or imitation leather, in particular, document holders, wallets, handbags, rucksacks, traveling bags, valises, trunks, and suitcases.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Interrogatory No. 8:

Identify and describe any and all instances of actual confusion between Opposer's and Applicant's products bearing the term TRINITY.

Response to Interrogatory No. 8:

Opposer objects to Interrogatory No. 8 on the ground that it seeks information that is not within Opposer's possession, custody, or control. Opposer further objects to Interrogatory No. 8 on the ground that it is premature because discovery remains ongoing. Subject to and without waiving the foregoing General and Specific Objections, as of this date, Opposer is not aware of any instances of actual confusion between Opposer's TRINITY mark and Applicant's TRINITY mark.

Interrogatory No. 9:

Describe with particularity the channels of distribution and/or intended distribution for each product with which Opposer has associated with or alluded to using the term TRINITY including, but not limited to any goods in International Class 18.

Response to Interrogatory No. 9:

Opposer objects to Interrogatory No. 9 as unduly burdensome, overbroad, duplicative, and not reasonably calculated to lead to the discovery of admissible or relevant evidence. Subject to and without waiving the foregoing General and Specific Objections, Opposer offers its TRINITY products for sale in Opposer's freestanding boutiques, Opposer's boutiques located within department stores, on Opposer's website, and through authorized retailers of Cartier's goods. Opposer further responds that, pursuant to Federal Rule of Civil Procedure 33(d), Opposer will produce documents sufficient to show the channels of distribution for goods sold under Opposer's TRINITY mark.


[REDACTED]

[REDACTED]

[REDACTED]

Dated: New York, New York
April 9, 2014

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

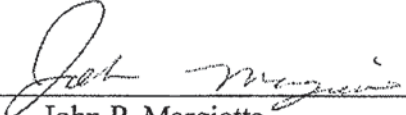
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CERTIFICATE OF SERVICE

I hereby certify that on this of 9th April 2014, I caused a true and correct copy of the foregoing **OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES** to be served by email and first class mail on the correspondent of record at the following address:

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