

ESTTA Tracking number: **ESTTA723657**

Filing date: **01/29/2016**

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	01/29/2016
Attachments	Coachman_Notice_of_Filing_Questions_and_Responses.pdf(544190 bytes)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF FILING OF APPLICANT'S CROSS-EXAMINATION RESPONSE DECLARATION OF LANCE COACHMAN AND SUPPLEMENTAL TRIAL DECLARATION OF LANCE COACHMAN** has been served upon counsel for Opposer **CARTIER INTERNATIONAL A.G.** on January 29, 2016, via First Class Mail, postage prepaid, and via email to:

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**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

**OPPOSER'S CROSS-EXAMINATION QUESTIONS TO THE
TRIAL DECLARATION OF APPLICANT LANCE COACHMAN**

Pursuant to 37 C.F.R. § 2.123 and paragraph 4 of the Stipulation Regarding Introduction of Party Direct Testimony at Trial, dated August 24, 2015 (dkt. no. 22), Opposer Cartier International A.G. ("Opposer") asks the following cross-examination questions of Applicant Lance Coachman ("Applicant").

RESERVATION OF RIGHT TO OBJECT

Opposer separately objects to certain portions of Applicant's Trial Declaration. Applicant reserves the right to object further and to seek to have the objected to testimony and exhibits stricken.

CROSS-EXAMINATION QUESTIONS

1. Does your job as the president of an executive search firm require you to be familiar with the fashion industry or consumers for handbags and other accessories? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 1.
2. What is the "experience" and "research" referenced in Paragraph 20 of your Trial Declaration? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

3. How have you developed an understanding of the consumer market, particularly the market for handbags? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

4. What is the basis of your opinion that consumers do not think of the brands referenced in Paragraph 20 of your Trial Declaration as selling jewelry? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

5. What is the basis of your opinion that consumers understand that the brands referenced in Paragraph 20 of your Trial Declaration are well-known for handbags or fragrances? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

6. What is the basis of your opinion that “there are brands that sell either high-end jewelry or high-end handbags, but not both”? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

7. What is the basis for your assertion that consumers are capable of telling the difference between your TRINITY handbags and products sold by Cartier? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 21.

8. Have you tried or do you intend to try to place your TRINITY handbags in upscale department stores? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 22.

Dated: New York, New York
January 14, 2016

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

John Margiotta
Emily Weiss

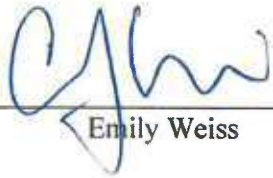
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Attorneys for Opposer Cartier International A.G.

CERTIFICATE OF SERVICE

I hereby certify that I caused, on this 14th day of January 2016, a copy of the foregoing **OPPOSER'S CROSS-EXAMINATION QUESTIONS TO THE TRIAL DECLARATION OF APPLICANT LANCE COACHMAN** to be sent by email and by first class mail, postage prepaid, to counsel for Lance Coachman:

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Emily Weiss

**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.)	
)	
)	

CROSS-EXAMINATION RESPONSE DECLARATION OF LANCE COACHMAN

Pursuant to Paragraph 4 of the Stipulation Regarding Introduction of Party Direct Testimony at Trial, dated August 24, 2015 (dkt. No. 22), Lance Coachman declares under penalty of perjury as follows:

1. I submit this declaration in response to the cross-examination questions to my Trial Declaration submitted by Opposer Cartier International A.G. (“Cartier” or “Opposer”). As set forth in my Trial Declaration, filed with the Trademark Trial and Appeal Board on December 30, 2015, (dkt. No. 35,) I am the owner of TrinityWerks, Inc. (“TrinityWerks”). I developed a unique leather handbag that I sell under the TRINITY trademark. I received my Bachelor of Science in Business Administration from Florida A&M University in 1985.
2. I confirm that the facts and matters set out herein are based on my own observations, knowledge, and understanding as the owner of TrinityWerks and the developer, marketer, and principal salesman of the TRINITY leather handbag.
3. My answer to each cross-examination question is provided below.

Cross-Examination Question No. 1. Does your job as the president of an executive search firm require you to be familiar with the fashion industry or consumers for handbags and other accessories? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 1.

Response to Cross-Examination Question No. 1.

Applicant objects to Cross-Examination Question No. 1 on the ground that it creates a misleading impression under Federal Rule of Evidence § 106 by providing an incomplete portion of Mr. Coachman's statements regarding his professional experience. In addition to being the president of an executive search firm, Mr. Coachman is also the owner of TrinityWerks and the developer, marketer, and principal salesman of the TRINITY leather handbag. Subject to and without waiving the foregoing objection, Mr. Coachman responds as follows:

As the owner of TrinityWerks and the developer, marketer, and principal salesman of the TRINITY handbag I am required to be familiar with the fashion industry and consumers of handbags, although my contemporaneous position as president of an executive search firm does not require that knowledge.

Cross-Examination Question No. 2. What is the "experience" and "research" referenced in Paragraph 20 of your Trial Declaration? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

Response to Cross-Examination Question No. 2.

Mr. Coachman responds as follows:

My "experience" refers to everything I have personally experienced to date in the course of developing, marketing, and selling my TRINITY leather handbags. In the process of developing my TRINITY leather handbag, I researched and analyzed other products and brands in the leather handbag market to make sure that the product I was developing was unique. As

part of that research, I had conversations with other sellers of leather handbags in department stores and boutique stores, as well as leather manufacturers, that provided an education in the market, consumers, products, and brands for high-end leather handbags. By marketing and seeking distribution channels for my TRINITY leather handbags I furthered that education through additional conversations with other sellers of leather handbags. Most importantly, of the approximately 175 TRINITY leather handbags I have sold to date, most of those sales have been through direct sales by me to individual buyers. Even for the relatively few sales of TRINITY handbags I have not personally made, I have had direct contact with the individual that made the sale to the individual buyers. In addition, since every attempt to sell a TRINITY handbag does not necessarily result in a sale, I have personally had far more than 175 conversations with individual consumers. Each sale and attempt at a sale is a conversation that has given me the opportunity to listen to consumers and to make observations on the market, consumers and other brands for leather handbags.

“Research” refers to the investigation of products and brands in the leather handbag market that I personally conducted in order to develop my TRINITY leather handbag. It also refers to the conversations that I have had with other sellers of leather handbags and leather manufacturers in the process of developing and marketing my TRINITY leather handbags. Those conversations have included the market for leather handbags, consumer preferences in leather handbags, other brands in the industry, and comparing my TRINITY leather handbag to the leather handbag products of other brands in the industry.

Cross-Examination Question No. 3. How have you developed an understanding of the consumer market, particularly the market for handbags? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

Response to Cross-Examination Question No. 3.

Mr. Coachman objects to Cross-Examination Question No. 3 on the ground that it seeks irrelevant information. Mr. Coachman is not offering himself as an expert witness under Rule 702 of the Federal Rules of Evidence. Mr. Coachman is a lay witness testifying on matters that are rationally based on his own personal observations and perception. Subject to and without waiving the foregoing objection, Mr. Coachman responds as follows:

I have developed an understanding of the consumer market for leather handbags through the observations I have made and the knowledge I have acquired in the course of researching the leather handbag market as well as my personal experiences developing, marketing, and selling my TRINITY leather handbags. Further details regarding my personal experiences developing, marketing, and selling my TRINITY leather handbags and the research I conducted is provided in my Response to Cross-Examination Question No. 2.

Cross-Examination Question No. 4. What is the basis of your opinion that consumers do not think of the brands referenced in Paragraph 20 of your Trial Declaration as selling jewelry? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

Response to Cross-Examination Question No. 4.

Mr. Coachman objects to Cross-Examination Question No. 4 on the ground that it seeks irrelevant information. Mr. Coachman is not offering himself as an expert witness under Rule 702 of the Federal Rules of Evidence. Mr. Coachman is a lay witness testifying on matters that

are rationally based on his own personal observations and perception. Subject to and without waiving the foregoing objection, Mr. Coachman responds as follows:

The basis of my opinion that consumers do not think of GUCCI, COACH, or CHANEL as selling jewelry comes from the ordinary observations I have made as a result of numerous conversations I have personally had with consumers and other sellers in order to market and sell my TRINITY leather handbags. From those personal interactions and my own personal knowledge as a consumer, I am aware that GUCCI and COACH are well-known for selling leather handbags, but I have never heard anyone refer to GUCCI or COACH as a brand for jewelry. Likewise, from my personal interactions with consumers and my own personal knowledge, I am aware that consumers see CHANEL as selling fragrances, but I have never heard of anyone refer to CHANEL as a brand for leather handbags or jewelry.

Cross-Examination Question No. 5. What is the basis of your opinion that consumers understand that the brands referenced in Paragraph 20 of your Trial Declaration are well-known for handbags or fragrances? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

Response to Cross-Examination Question No. 5.

Mr. Coachman objects to Cross-Examination Question No. 5 on the ground that it seeks irrelevant information. Mr. Coachman is not offering himself as an expert witness under Rule 702 of the Federal Rules of Evidence. Mr. Coachman is a lay witness testifying on matters that are rationally based on his own personal observations and perception. Subject to and without waiving the foregoing objection, Mr. Coachman responds as follows:

My statement that GUCCI and COACH are well-known for handbags is based on my ordinary observations from numerous conversations that I have personally had with consumers,

other sellers of leather handbags, and leather manufacturers in the process of developing, marketing, and selling my TRINITY leather handbag. My statement that CHANEL is well-known for fragrances is based on my ordinary observations as a consumer.

Cross-Examination Question No. 6. What is the basis of your opinion that "there are brands that sell either high-end jewelry or high-end handbags, but not both"? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 20.

Response to Cross-Examination Question No. 6.

Mr. Coachman objects to Cross-Examination Question No. 6 on the ground that it seeks irrelevant information. Mr. Coachman is not offering himself as an expert witness under Rule 702 of the Federal Rules of Evidence. Mr. Coachman is a lay witness testifying on matters that are rationally based on his own personal observations and perception. Subject to and without waiving the foregoing objection, Mr. Coachman responds as follows:

My statement that "there are brands that sell either high-end jewelry or high-end handbags, but not both" is based on the ordinary observations I have made and the knowledge I have acquired in the course of researching the leather handbag market as well as my personal experiences developing, marketing, and selling my TRINITY leather handbags. The statement is also based on my ordinary observations and knowledge as a consumer. As is self-evident to any consumer, there are brands that sell high-end jewelry but not high-end handbags and vice versa. Finally, I have personally reviewed the evidence submitted by my attorneys of brands that sell high-end jewelry and not handbags or vice versa. Those brands include DAVID YURMAN, DKNY, GARRARD, GELIN ABACI, HARRY WINSTON, IPPOLITA, JIMMY CHOO, JOHN HARDY, KIPLING, LACOSTE, LOUBOUTIN, PAUL MORELLI, PIAGET, ROBERTO

COIN, STEVE MADDEN, TACORI, and VAN CLEEF and were submitted as evidence in Dkts 40-41, Applicant's Notice of Reliance on Printed Publications.

Cross-Examination Question No. 7. What is the basis for your assertion that consumers are capable of telling the difference between your TRINITY handbags and products sold by Cartier? *See* Dkt. No. 35, Applicant Trial Decl. ¶ 21.

Response to Cross-Examination Question No. 7.

Mr. Coachman objects to Cross-Examination Question No. 6 on the ground that it seeks irrelevant information. Mr. Coachman is not offering himself as an expert witness under Rule 702 of the Federal Rules of Evidence. Mr. Coachman is a lay witness testifying on matters that are rationally based on his own personal observations and perception. Subject to and without waiving the foregoing objection, Mr. Coachman responds as follows:

My statement that consumers are capable of telling the difference between my TRINITY leather handbags and the products sold by Cartier is based on the ordinary observations I have made and the knowledge I have acquired in the course of researching the leather handbag market as well as my personal experiences developing, marketing, and selling my TRINITY leather handbags. I have had numerous conversations with consumers in order to sell my TRINITY leather handbags, and through those conversations I have come to understand that the purchasers of my TRINITY leather handbags are educated, athletic women that have the disposable income to afford the price of a high-quality leather handbag. The statement is also based on my ordinary observations and knowledge as a consumer.

Cross-Examination Question No. 8. Have you tried or do you intend to try to place your TRINITY handbags in upscale department stores? See Dkt. No. 35, Applicant Trial Decl. ¶ 22.

Response to Cross-Examination Question No. 8.

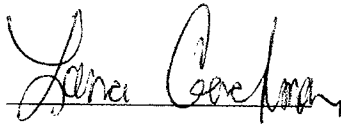
Mr. Coachman responds as follows:

As I have previously stated, I intend to sell the TRINITY handbags at upscale boutiques and department stores in the future at a price of approximately \$399 to \$499. I have also had discussions with representatives of certain department stores in Atlanta, namely Macy's, Neiman Marcus, and Saks 5th Avenue, regarding placing my TRINITY leather handbags at those stores, but I am not selling my handbags at those stores at this time.

I, Lance Coachman, hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

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

Declared this 29th day of January, 2016 in Atlanta, Georgia.

A handwritten signature in black ink, appearing to read "Lance Coachman", written over a horizontal line.

Lance Coachman, Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **CROSS-EXAMINATION RESPONSE DECLARATION OF LANCE COACHMAN** has been served upon counsel for Opposer CARTIER INTERNATIONAL A.G. on January 29, 2016, via First Class Mail, postage prepaid, and via email to:

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