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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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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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CARTIER INTERNATIONAL A.G.,)	
)	
Opposer,)	
)	Opposition No. 91209815
v.)	
)	App. Serial No. 85/6040000
LANCE COACHMAN,)	
)	Mark: TRINITY
Applicant.)	
)	
)	

SUPPLEMENTAL TRIAL DECLARATION OF LANCE COACHMAN

Pursuant to Paragraph 6 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 to support my Trial Declaration, which I filed with the Trademark Trial and Appeal Board on December 30, 2015. (Dkt. No. 35.) I am informed by my counsel that Opposer Cartier International A.G. (“Cartier” or “Opposer) objected to certain of my testimony, and I submit this Supplemental Trial Declaration to address Cartier’s objections.

2. As set forth in my Trial Declaration, 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.

3. I understand that Cartier objects to my testimony that “Cartier has never used a stand-alone TRINITY mark to sell handbags” and that “Cartier has only ever used a TRINITY DE CARTIER mark for leather handbags and Cartier’s other products.” I am informed that

Cartier objects on the ground that my testimony lacks foundation because I have “not testified that [I am] aware of each use of the TRINITY mark by Cartier in connection with handbags and other products.” During my deposition, however, I was shown documents by Cartier’s attorney. My observations of those documents are that they showed Cartier using the TRINITY DE CARTIER mark for Cartier’s handbags rather than a TRINITY mark. I have also read the documents that Cartier submitted as evidence. My observations of those documents are also that they show Cartier using only a TRINITY DE CARTIER mark for handbags rather than a TRINITY mark. In addition, I observed that although there are some examples of Cartier using a stand-alone TRINITY mark for other products, such as cufflinks and some advertisements for jewelry, the vast majority of the pages Cartier provided show Cartier using a TRINITY DE CARTIER mark for its products. Even the pages showing Cartier using a stand-alone TRINITY mark place the TRINITY mark in small font near a CARTIER mark in a much larger font. Although I cannot say that I am aware of every use of TRINITY by Cartier in its history, I do not understand why Cartier has submitted documents predominantly showing only use of the TRINITY DE CARTIER mark if more documents of it using a TRINITY mark for leather handbags and other products exist.

4. I understand that Cartier objects to my testimony that “[d]uring my deposition, Cartier’s attorney showed me a press book in French displaying Cartier products from 2004.” Although nearly every page of the press book is completely in French, Cartier claims that my testimony is untrue because “there is English text in the press book.” I stand by my testimony, but I will clarify that of the approximately 37 page press book, the first 32 pages are either completely in French or predominantly in French and the text of the last five pages are predominantly in English.

5. I understand that Cartier objects to my testimony that “[b]ased on my experience, research, and understanding of the consumer market, particularly the market for handbags, [], I believe that consumers generally do not think of [COACH and GUCCI] as selling jewelry” and that “consumers understand COACH and GUCCI, as well as CHANEL, as well-known for handbags and fragrances, respectively.” I am informed that Cartier objects on the grounds that my testimony lacks foundation because I have “provided no basis for [my] knowledge of how consumers think of the cited brands.” As stated more fully in response to Cartier’s Cross-Examination Questions No. 2 through 5, the process of developing, marketing, and selling my TRINITY leather handbags has given me the opportunity to make ordinary observations and acquire knowledge of the market for leather handbags, as well as its consumers, products, and brands.

6. I understand that Cartier objects to my testimony that “based on my understanding of the handbag market and research that my attorneys have performed of high-end jewelry brands, I understand that there are brands that sell either high-end jewelry or high-end handbags, but not both.” I am informed that Cartier objects on the grounds that my testimony lacks foundation because I have “provided no basis for [my] testimony that there are no brands that sell both high-end jewelry and high-end handbags.” Cartier misstates my testimony. I did not testify “that there are *no* brands that sell both high-end jewelry and high-end handbags,” only that there are brands that sell high-end jewelry but not high-end handbags and vice versa. As stated more fully in response to Cartier’s Cross-Examination Question Nos. 2-3 and 6, the process of developing, marketing, and selling my TRINITY leather handbags has given me the opportunity to make ordinary observations and acquire knowledge of the market for leather

handbags, as well as its consumers, products, and brands. Moreover, the statement is based on my ordinary observations and knowledge as a consumer.

7. I understand that Cartier objects to my testimony that “[t]he purchasers of my TRINITY handbags and the purchasers of Cartier products spend hundreds of dollars on our products, and I believe that they are capable of telling the difference between my TRINITY handbags and products sold by Cartier.” I am informed that Cartier objects on the grounds that my testimony lacks foundation because I have “provided no basis for [my] testimony that consumers can tell the difference between the parties’ products.” As stated more fully in response to Cartier’s Cross-Examination Question Nos. 2-3 and 7, the process of developing, marketing, and selling my TRINITY leather handbags has given me the opportunity to make ordinary observations and acquire knowledge of the market for leather handbags, as well as its consumers, products, and brands. In particular, the numerous conversations I have personally had with consumers in order to sell my TRINITY leather handbags have given me an understanding 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.

8. I understand that Cartier objects to my testimony that “the TRINITY DE CARTIER products contain the specific design elements of three rings as shown in Exhibit TW 15.” I am informed that Cartier objects on the grounds that my testimony lacks foundation because I have “provided no basis for [my] knowledge of the designs of Cartier’s TRINITY products.” I am developer, marketer, and primary seller of my TRINITY leather handbags. The attack by Cartier on my TRINITY mark has inspired me to look at their products and to make ordinary observations. I have also read the documents that Cartier has submitted showing its

products. My statement is also based on my ordinary observations of the depictions of Cartier's products in those documents.

9. I understand that Cartier objects to my testimony that "the TRINITY DE CARTIER handbags will be sold at Cartier boutique stores, or grouped with other Cartier products when sold in department stores." I am informed that Cartier objects on the grounds that my testimony lacks foundation because I have "provided no basis for [my] knowledge of where Cartier's TRINITY handbags will be sold." My attorneys keep me well-informed of Cartier's responses to cross-examination and deposition questions, which is the basis for this information, including specifically Dkt. 33, Cross-Examination Response Declaration of Alison Cohen, paragraph No. 6 and Dkt. 39, Exhibit TW 17, Deposition of A. Cohen at 12:15-13:8, and 18:4-19:7.

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 cursive script that reads "Lance Coachman". The signature is written in black ink and is positioned above a horizontal line.

Lance Coachman, Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **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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