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Filing date: **01/28/2015**

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

Proceeding	91211495
Party	Plaintiff Robert E Carter
Correspondence Address	ERIC ZUKOSKI QUILLING SELANDER LOWNDS WINSLETT & MOSER PC 2001 BRYAN STREET, SUITE 1800 DALLAS, TX 75201 UNITED STATES ezukoski@qslwm.com
Submission	Other Motions/Papers
Filer's Name	Eric Zukoski
Filer's e-mail	ezukoski@qslwm.com
Signature	/Eric Zukoski/
Date	01/28/2015
Attachments	Robert Carter's Pre-Trial Disclosures.pdf(335289 bytes )

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

In the Matter of Trademark Application Serial No. 85/831,655  
For the mark: EASY'S SMOKE SHOP THE FINEST GLASS IN TOWN & DESIGN  
Filed: January 24, 2013  
Published: July 9, 2013

Robert E. Carter,	)	Opposition No. 91211495
Opposer,	)	
	)	<b>ROBERT CARTER'S</b>
v.	)	<b>PRETRIAL DISCLOSURES</b>
Stephen Neumann,	)	
Applicant.	)	

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**ROBERT CARTER'S PRETRIAL DISCLOSURES**

Pursuant to 37 C.F.R. Section 2.121(E) and Fed. R. Civ. P. 26(A)(3), Robert Carter serves his Pretrial disclosures as follows:

**i. FRCP 26(a)(3)(A)(i) – Opposer' Witness List**

**Opposer Expects to Present**

- i. Robert Carter. 2569 E. Highway 199, Springtown, Texas 76082, (817) 528-5552. Opposer intends to present testimony of Robert Carter regarding all facts and circumstances relating to the procurement, receipt, use, and ownership of the name Easy's Smoke Shop and the accompanying design; all facts and circumstances relating to the partnership named Easy's Smoke Shop, including its formation, use of name, and dissolution; all facts and circumstances relating to the winding up of the partnership named Easy's Smoke Shop; all facts and circumstances relating to the contentions made in trademark application 85/831,655; all facts and circumstances relating to the contention's made in Opposer's opposition no. 91211495; and all facts and circumstances relating to the documents identified below.
- ii. Mitchell DeSouza. 214 Grapevine Highway, Hurst, TX 76054, (682) 583-2544. Graphic artist, self employed. Opposer intends to present testimony of Mitchell DeSouza regarding the creation of the Easy's Smoke Shop stylized font and design and the assignment of all rights relating to the stylized font and design to Robert Carter; and all facts and circumstances relating to the documents

identified below.

**Witnesses Opposer May Call if the Need Arises**

- iii. Stephen Neumann. 11528 Dark Leaf Ct. E., Fort Worth, Texas 76135. (512) 954-4770. Opposer may call Stephen Neumann to testify regarding all facts and circumstances relating to the procurement, receipt, use, and ownership of the name Easy's Smoke Shop and the accompanying design; all facts and circumstances relating to the winding up of the partnership named Easy's Smoke Shop; and all facts and circumstances relating to the contentions made in trademark application 85/831,655.
- iv. Eric Zukoski. Quilling, Selander, Lownds, Winslett & Moser, P.C. 2001 Bryan Street, Suite 1800, Dallas, Texas 75201. (214) 880-1826. Eric Zukoski may be called to testify regarding Opposer's attorneys fees in this action.

Further, Opposer reserves the right to call and/or cross examine any of the witnesses or persons with knowledge identified by any other party to this matter whether through disclosures and supplements or amendments thereto, discovery responses, or any other means of identification. Opposer further reserves the right to supplement or amend as necessary.

**ii. FRCP 26(a)(3)(A)(ii) – Defendants' Designation of Witnesses Whose Testimony is Expected to Be Presented by Means of a Deposition**

All of the witnesses listed above will be presented by deposition.

**iii. FRCP 26(a)(3)(A)(iii) –Identification of Exhibits**

**(a) Identification of Exhibits Opposer Expects to Offer**

	<b>DATE</b>	<b>TITLE</b>
1.	4/9/2013	Assignment of Trademark from Mitchell DeSouza to Robert Carter
2.	2/21/2013	Sales & Use Tax Permit of Easy's Smoke Shop and Tax Statement
3.	5/1/2008	Partnership Agreement and Buy-Sell Agreement of Easy's Smoke Shop dated May of 2008

4.	10/8/2013	Opposer's Interrogatories and Requests for Production of Documents to Applicant.
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(b) **Identification of Exhibits Defendants May Offer if the Need Arises**

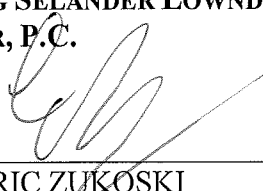
	<b>DATE</b>	<b>TITLE</b>
1.	1/24/2013	Applicant's trademark application and related documents filed with trademark application serial no. 85/831,655

Opposer's designation of a witness or exhibit on a particular topic is not intended to and does not waive the right to move to exclude any evidence or testimony on that topic and shall not be construed as an agreement to, or adoption of, the witness's testimony or the exhibit. In addition, Opposer reserves the right to change the scope of expected or possible testimony of all such witnesses as this action progresses and as the issues become more defined.

Respectfully submitted,

**QUILLING SELANDER LOWNDS WINSLETT  
& MOSER, P.C.**

By: \_\_\_\_\_

  
ERIC ZUKOSKI  
State Bar No. 24010509  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
Telephone: (214) 871-2100  
Facsimile: (214) 871-2111

**ATTORNEYS FOR OPPOSER  
ROBERT E. CARTER**

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

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Robert E. Carter,	)	Opposition No. 91211495
Opposer,	)	
	)	<b>CERTIFICATE OF SERVICE</b>
v.	)	<b>ROBERT CARTER'S</b>
Stephen Neumann,	)	<b>PRE-TRIAL DISCLOSURES</b>
Applicant.	)	

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Pre-Trial Disclosures of Robert Carter has been served on Applicant by depositing said copy with the United States Postal Service as certified mail, return receipt requested, postage prepaid, in an envelope to:

Lewis Schwartz, Esq.  
3700 West Seventh  
Fort Worth, TX 76107

Dated: January 28, 2014



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*Attorneys for Opposer, Robert E. Carter*