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

Proceeding	91222391
Party	Defendant Hamptons Glow, LLC
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Submission	Other Motions/Papers
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Date	09/11/2017
Attachments	HG Pretrial Disclosures 9.7.17.pdf(90540 bytes)

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

S&G HAMPTON SUN, LLC,

Opposer/Petitioner,

v.

Opposition No. 91222391
(Consolidated with Cancellation No. 92062549)

HAMPTONS GLOW, LLC

Applicant/Registrant.

APPLICANT/REGISTRANT PRETRIAL DISCLOSURES

Applicant/Registrant Hamptons Glow, LLC (“Applicant/Registrant” or “HG”), acting pro se, hereby provides its pretrial disclosures to Opposer/Petitioner S&G Hampton Sun, LLC (“Opposer” or “S&G”) pursuant to 37 C.F.R. § 2.121(e), Fed. R. Civ. P. 26(a)(3) and the Trademark Trial & Appeal Board Manual of Procedure (“TMBP”) § 702.01 as follows:

Reservation of Rights

Applicant/Registrant makes these disclosures pursuant to the requirements and limitations of the TBMP and the Federal Rules of Civil Procedure, and these disclosures shall not be deemed to have any legal effect except as intended by the TBMP and Federal Rules. These disclosures are based on information reasonably available to Applicant as of this date.

Subject to and without waiver of the foregoing, Applicant provides the following Pretrial Disclosures:

1. APPLICANT/REGISTRANT'S TRIAL WITNESS WHO MAY BE CALLED TO TESTIFY:

Applicant/Registrant identifies the following individual from whom it will take testimony:

Rachel Thompson
Founder, Hamptons Glow, LLC & Hamptons Tanning
57 West 58th Street, Suite 10C
New York, NY 10019
(646) 418-4403

Ms. Thompson may testify about the following topics:

- a. Applicant/Registrant's U.S. Registration No. 4,740,353 for the mark HAMPTONS GLOW in Class 3;
- b. U.S. Application Ser. No. 86/402,060 for the mark HAMPTONS GLOW in Class 4;
- c. Applicant/Registrant's U.S. Registration No. 4,228,045 for the mark HAMPTONS TANNING in class 44;
- d. The manner & extent of use of the HAMPTONS GLOW mark;
- e. The adoption & selection of the HAMPTONS GLOW mark;
- f. The chain of title for the HAMPTONS GLOW mark;
- g. The class and type of consumers of the goods and services Applicant/Registrant's offers for sale and sells in connection with the

HAMPTONS GLOW mark;

- h. The goods associated with the HAMPTONS GLOW mark;
- i. Applicant's sales of goods under the HAMPTONS GLOW mark;
- j. The pricing of goods under the HAMPTONS GLOW mark;
- k. The channels of trade in which the goods sold under the HAMPTONS GLOW mark travel;
- l. Consumer recognition of the HAMPTONS GLOW mark as a source identifier of Applicant/Registrant's goods;
- m. Media and other third party coverage and recognition of Applicant/Registrant's goods sold under the HAMPTONS GLOW mark;
- n. Advertising, marketing and promotion of the HAMPTONS GLOW mark and the goods offered thereunder;
- o. Applicant/Registrant's website at www.HamptonGlow.com
- p. The distinction of the HAMPTONS GLOW mark & goods offered;
- q. Applicant/Registrant's geographical origination & significance to the HAMPTONS GLOW mark;
- r. Applicant/Registrant conversations & correspondence with USPTO attorneys assigned to applications for HAMPTONS GLOW marks in class 3 & 4.

- s. Applicant/Registrant's contact and conversation with Hamptons Handpoured, a candle manufacturer based in The Hamptons;
- t. Applicant/Registrant's contact with Modern Candle to discuss producing HAMPTONS GLOW branded candles;
- u. Applicant/Registrant's customers from HAMPTONS GLOW & HAMPTONS TANNING business requesting manufacture of a HAMPTONS GLOW candle for gifts, etc.
- v. Packaging selection & Design for use the HAMPTONS GLOW mark

2. TYPES OF DOCUMENTS AND THINGS THAT APPLICANT/REGISTRANT MAY INTRODUCE DURING TESTIMONY OF ITS TRIAL WITNESS:

Applicant/Registrant provides the following general summary of the types of documents and things, which may be introduced as exhibits during the Applicant/Registrant's testimony period of this proceeding:

- a. Documents relating to Applicant/Registrant's U.S. Registration No. 4,740,353 for the mark HAMPTONS GLOW in Class 3;
- b. Documents relating to U.S. Application Ser. No. 86/402,060 for the mark HAMPTONS GLOW in Class 4;
- c. Documents & things relating to Applicant/Registrant's related U.S. Registration No. 4,228,045 for the mark HAMPTONS TANNING in class 44

including the website www.HamptonsTanning.com;

- d. Documents related to the manner & extent of use of the HAMPTONS GLOW mark;
- e. Documents related to the adoption, selection & design of the HAMPTONS GLOW mark;
- f. Documents relating to the chain of title for the HAMPTONS GLOW mark;
- g. Documents relating to the goodwill associated with the HAMPTONS GLOW mark;
- h. Documents relating to the class and type of consumers of the goods and services Applicant/Registrant's offers for sale and sells in connection with the HAMPTONS GLOW mark;
- i. Documents relating to the goods offered, associated, & intended to be offered for sale and sold under the HAMPTONS GLOW mark;
- j. Documents relating to Applicant/Registrant's sales of goods under the HAMPTONS GLOW mark;
- k. Documents relating to the pricing of goods under the HAMPTONS GLOW mark;
- l. Documents relating to the consumer recognition of the HAMPTONS GLOW mark as a source identifier for Applicant/Registrant's Goods;

- m. Documents relating to the channels of trade/distribution in which the goods sold under the HAMPTONS GLOW mark travel;
- n. Documents relating to media and other third party coverage and recognition of Applicant/Registrant's goods sold under the HAMPTONS GLOW mark;
- o. Documents relating to Advertising, marketing and promotion of the HAMPTONS GLOW mark and the goods offered thereunder;
- p. Documents relating to the packaging of Applicant's goods sold under HAMPTONS Glow mark;
- q. Documents relating to Applicant/Registrant's website at www.HamptonGlow.com
- r. Documents relating to the distinction of the HAMPTONS GLOW mark & goods offered;
- s. Documents relating to the Applicant/Registrant's geographical description, origination & significance to the HAMPTONS GLOW mark;
- t. Documents relating to Applicant/Registrant correspondence with USPTO attorneys assigned to applications for HAMPTONS GLOW marks in class 3 & 4.
- u. Documents relating to Applicant/Registrant's contact and conversation with Hamptons Handpoured, a candle manufacturer based in The Hamptons;
- v. Documents relating to the website for candle manufacturer Hamptons Handpoured at www.HamptonHandpoured.com

- w. Documents relating to Applicant/Registrant's contact & conversation with Modern Candle to discuss producing HAMPTONS GLOW branded candles;
- x. Documents relating to a comprehensive federal goods & services searches for classes 3, 4 & 44 for use of the words Hampton or Hamptons from the USPTO database;
- y. Documents relating to details that Opposer had notice of the HAMPTONS GLOW mark application for class 3 before the opposition period began;
- z. Documents relating to other active marks in classes 3 & 4 that use Hampton or Hamptons to describe a geographical description;
- aa. Documents relating to the Opposer's claims in discouraging defense of the HAMPTONS GLOW mark application &/or registration;
- bb. Documents relating to the Opposer's use of the mark HAMPTON SUN;
- cc. Documents relating to Opposer's trademark applications and registration for the HAMPTON SUN mark;
- dd. Documents relating to the Opposer's adoption and selection of the trade name and trademark HAMPTONS SUN;
- ee. Documents relating to correspondence and communications between parties;
- ff. Opposer's responses to Applicant/Registrant's discovery requests;
- gg. Documents relating to Opposer's deposition of Applicant/Registrant;

hh. Opposer's responses to Applicant/Registrant's Request for Admissions; and

ii. Documents produced by the parties in connection with this proceeding.

Dated: September 7, 2017

Respectfully yours,

/s/ Rachel Thompson

Rachel Thompson

Rachel Thompson, Founder

Hamptons Glow

57 West 58th Street, Suite 10C

New York, NY 10019

Tel. (646) 418-4403

Email: Rachel@HamptonsGlow.com

CERTIFICATE OF SERVICE UNDER 37 C.F.R. §2.119

I hereby certify that on this 7th day of September, 2017, a true and correct copy of the foregoing APPLICANT/REGISTRANT'S PRETRIAL DISCLOSURES was served on counsel of record for the Opposer/Petitioner via email, per mutual agreement of the parties, to the following address:

David A. Jones
Powley & Gibson, p.c.
djones@powleygibson.com

/Rachel Thompson/
Rachel Thompson