ESTTA Tracking number: **ESTTA1020190**

Filing date: **12/04/2019**

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

Proceeding	91239796
Party	Plaintiff Nusenda Federal Credit Union
Correspondence Address	JEFFREY L SQUIRES PEACOCK LAW PC 201 THIRD STREET NW SUITE 1340 ALBUQUERQUE, NM 87102 UNITED STATES docketing@peacocklaw.com, jsquires@peacocklaw.com, dpeacock@peacocklaw.com, tjones@peacocklaw.com, llamb@peacocklaw.com, sanderson@peacocklaw.com 505-998-6116
Submission	Other Motions/Papers
Filer's Name	Svitlana V. Anderson
Filer's email	docketing@peacocklaw.com, jsquires@peacocklaw.com, dpeacock@peacocklaw.com, tjones@peacocklaw.com, llamb@peacocklaw.com, sanderson@peacocklaw.com
Signature	/Svitlana V. Anderson/
Date	12/04/2019
Attachments	Nusendas Pretrial Disclosures 120319.pdf(28016 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Nusenda Federal Credit Union,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91239796
	)	
Promontory Interfinancial Network, LLC,	)	
	)	
Applicant.	)	
	)	

OPPOSER'S PRETRIAL DISCLOSURES

Opposer Nusenda Federal Credit Union ("Nusenda"), by its undersigned counsel, acting in accordance with Trademark Rule 2.121, 37 C.F.R. § 2.121, Rule 702 TBMP and Rule 26(a)(3), F.R.C.P. hereby provides its pretrial disclosures in the above-captioned matter.

Nusenda anticipates offering testimony from the following witnesses in the trial of this matter:

Joe Christian
President, Nusenda Federal Credit Union
c/o Jeffrey L. Squires at Peacock Law P.C.
201 Third Street NW, Suite 1340
Albuquerque, NM 87102
jsquires@peacocklaw.com

Mr. Christian is expected to testify, as the president of Nusenda, about Nusenda's use of the trademark THE POWER OF WE in connection with the credit union and banking services provided by Nusenda to its members and as offered to members of the public; about the efforts Nusenda has expended developing that trademark; and about the nature of credit union and banking services. He is further expected to testify how the misuse of a similar trademark such as Applicants' mark THE POWER OF MANY, and the misdescription of services offered in connection with that mark as banking services as stated in its application, would likely create

confusion in the public as to the source of banking services, and which would defeat the purpose of having marks properly registered.

Paul Leavell
Chief Strategy and Marketing Officer
c/o Jeffrey L. Squires at Peacock Law P.C.
201 Third Street NW, Suite 1340
Albuquerque, NM 87102
jsquires@peacocklaw.com

Mr. Leavell is expected to testify about the same subject matter as is described with respect to Mr. Christian's expected testimony. In addition, he is expected to testify about the importance of having clear distinctions among the providers of different types of services offered by businesses using the same or similar trademarks.

Respectfully submitted,

PEACOCK LAW P.C.

By: _____/JLS/_____
Jeffrey L. Squires, Esquire
201 Third Street NW
Suite 1340
Albuquerque, NM 87102
Tel: (505) 998-6116
Fax: (505) 243-2542
Email: jsquires@peacocklaw.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Application Serial No. 87/372,632
Mark: THE POWER OF MANY
Applicant: PROMONTORY INTERFINANCIAL NETWORK, LLC
Application Date: March 15, 2017
Date of Publication: January 23, 2018

NUSENDA FEDERAL CREDIT UNION, Opposer, v. PROMONTORY INTERFINANCIAL NETWORK, LLC Applicant.	)	Opposition No. 91239796

CERTIFICATE OF SERVICE
FOR
OPPOSER'S PRETRIAL DISCLOSURES

I HEREBY CERTIFY that on this 4th day of December, 2019, a copy of the foregoing Opposer's Pretrial Disclosures was filed electronically with the Trademark Trial and Appeal Board, and that a copy was also served electronically on Applicant's attorney at the following address:

Joseph D. Lewis
BARNES & THORNBURG LLP
1717 Pennsylvania Avenue NW, Suite 500
Washington, DC 20006
Tel.: 202-289-1313
joe.lewis@btlaw.com

_____/JLS/_____
Jeffrey L. Squires