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

Proceeding	91240198
Party	Plaintiff Poreba Machine Tool Company LLC
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Date	11/05/2019
Attachments	2019-11-5 Pre-Trial Disclosures.pdf(118341 bytes)

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

In re Application Serial No.:	79,196,339
Mark:	POREBA 1798
Published in the Official Gazette on:	February 20 , 2018
<p>Poreba Machine Tool Company LLC</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>Fabryka Obrabiarek RAFAMET Spółka Akcyjna,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. 91240198</p>

PRE-TRIAL DISCLOSURES

Poreba Machine Tool Company LLC, an Illinois corporation, at 358 Hollow Hill Road, Wauconda, Illinois 60084 (“*Opposer*”), for its Pre-Trial Disclosures as follows:

Frank Turi
 President of Poreba Machine Tool Co. LLC
 358 Hollow Hill Road
 Wauconda Hill Road 60084
 630-344-0810 (contact through counsel)

Mr. Turi is the President of Poreba Machine Tool Company, LLC and will testify as to his knowledge of Opposer’s manufacturing and sale of horizontal lathes and boring mills since as early as August 31, 1982. Mr. Turi will testify regarding Opposer’s (including it’s predecessors) use of the trademark POREBA as early as August 31, 1982 in U.S. commerce as a trademark in connection with its manufacturing and sale of horizontal lathes and boring mills. He will testify that Opposer’s use of the mark has been valid, continuous and had not been abandoned. Mr. Turi will testify regarding his knowledge of affiliates of Opposer’s application for registration of trademark POREBA on October 7, 1993 including the lapse of the registration on January 8, 2018. Mr. Turi will testify regarding his knowledge of affiliates of Opposer’s application for registration of trademark POREBA on March 9, 2018. Mr. Turi will testify as to his knowledge of the history of the trademark POREBA including its ownership and use prior to its eventual assignment to Opposer. Mr. Turi will testify as to all facts relating to the actual assignment of the trademark POREBA from Toolmex.

Mr. Turi will testify that Opposer's mark is symbolic of its goodwill and consumer recognition built up by Opposer through continued use of Opposer's mark. Mr. Turi will testify that Opposer has been continuously offering goods to the public and has advertised the same. Mr. Turi will testify regarding his knowledge of applicants products, its similarity to Opposer's products and how applicant's permitted registration of its trademark POREBA 1798 will cause confusion among consumers causing irreparable harm and damage to Opposer.

The types of documents which may be introduced during the testimony of Mr. Turi may include documents and/or correspondence related to Opposer's (including its predecessor) use of the trademark POREBA, including any relevant advertising material related to the Opposer including its predecessors. Documents related to the various applications for registration of the trademark POREBA. Documents related to the assignment of the trademark POREBA from Toolmex Corp to Opposer, including the sale documents along with any relevant correspondence related to the assignment of the trademark POREBA.

Thomas Kob
GM of Toolmex Corporation
2015 Mitchell Blvd
Schaumburg, IL 60193
847-524-1074

Mr. Kob will testify as to his knowledge of Toolmex's assignment of the trademark POREBA. Mr. Kob will testify as to his knowledge of the use of the trademark POREBA prior to the assignment of June 22, 2004 and generally Toolmex's ownership of the trademark POREBA as it relates to its use use of the trademark as well as Opposer's use of the trademark POREBA. Mr. Kob will testify as to Toolmex's relationship with Opposer and its predecessors and/or affiliates including those entities related to Mr. Turi.

The types of documents which may be introduced during the testimony of Mr. Kob may include documents and/or correspondence related to Toolmex's and Opposers use of the trademark POREBA, including any relevant advertising material related to the Opposer including its predecessors. Documents related to the various applications for registration of the trademark POREBA. Documents related to the assignment of the trademark POREBA from Toolmex Corp to Opposer, including the sale documents along with any relevant correspondence related to the assignment of the trademark POREBA.

Gary R. Greenstein
Treasurer Toolmex Corporation
2015 Mitchell Blvd
Schaumburg, IL 60193
847-524-1074

Mr. Greenstein will testify as to his knowledge of Toolmex's assignment of the trademark POREBA. Mr. Greenstein will testify as to his knowledge of the use of the trademark POREBA prior to the assignment of June 22, 2004 and generally Toolmex's ownership of the trademark POREBA as it relates to its use use of the trademark as well as Opposer's use of the trademark

POREBA. Mr. Greenstine will testify as to Toolmex's relationship with Opposer and its predecessors and/or affiliates including those entities related to Mr. Turi.

The types of documents which may be introduced during the testimony of Mr. Greenstine may include documents and/or correspondence related to Toolmex's and Opposers use of the trademark POREBA, including any relevant advertising material related to the Opposer including its predecessors. Documents related to the various applications for registration of the trademark POREBA. Documents related to the assignment of the trademark POREBA from Toolmex Corp to Opposer, including the sale documents along with any relevant correspondence related to the assignment of the trademark POREBA.

Terry Lashin
President of Prestige Equipment Corporation
35 Pinelawn Road
Melville, NY 11747
631-249-5566

Mr. Lashin will testify as to assignment of the trademark POREBA to Opposer including the negotiations as well as Opposer's continuous use of the trademark.

The types of documents which may be introduced during the testimony of Mr. Lashin may include documents and/or correspondence related to Opposer's (including its predecessor) use of the trademark POREBA, including any relevant advertising material related to the Opposer including its predecessors. Documents related to the various applications for registration of the trademark POREBA. Documents related to the assignment of the trademark POREBA from Toolmex Corp to Opposer, including the sale documents along with any relevant correspondence related to the assignment of the trademark POREBA.

Harry Vraets
President/Owner of Harry Vraets Machinery
Gezellenstraat 2
3861 RD Nijkerk – the Netherlands
+31 (0)33 246 42 43

Mr. Vraets will testify as to assignment of the trademark POREBA to Opposer including the negotiations as well as Opposer's continuous use of the trademark.

The types of documents which may be introduced during the testimony of Mr. Craets may include documents and/or correspondence related to Opposer's (including its predecessor) use of the trademark POREBA, including any relevant advertising material related to the Opposer including its predecessors. Documents related to the various applications for registration of the trademark POREBA. Documents related to the assignment of the trademark POREBA from Toolmex Corp to Opposer, including the sale documents along with any relevant correspondence related to the assignment of the trademark POREBA.

Poreba Machine Tool Company LLC

By: Nick Marsico

Nick Marsico of
HUCK BOUMA PC, its attorneys
1755 S. Naperville Road, Suite 200
Wheaton, IL 60189
630-344-1158
nmarsico@HuckBouma.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PRE-TRIAL DISCLOSURES has been served on attorney for Applicant Fabryka Obrabiarek RAFAMET Spółka Akcyjna by forwarding a copy to:

Szymon Gurda
CHERSKOV FLAYNIK & GURDA, LLC
123 W. Madison St. Suite 400
Chicago, Illinois 60602
United States of America

via e-mail to sgurda@cherskov.com on November 5, 2019. A paper copy of the filing was also sent.



Nick Marsico
HUCK BOUMA PC
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nmarsico@HuckBouma.com
Counsel for Opposer