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Filing date: **01/03/2020**

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

Proceeding	91240198
Party	Defendant Fabryka Obrabiarek RAFAMET SpÅ³lka Akcyjna
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Date	01/03/2020
Attachments	Dis.pdf(120981 bytes)

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

Poreba Machine Tool Company LLC)	Serial No.	: 79/196,339
)	Date of Filing	: July 27, 2016
Petitioner,)		
)		
)	Opposition No.	: 91240198
v.)		
)		
)	Mark	:POREBA 1798
)		and design
Fabryka Obrabiarek RAFAMET S.A.)		
)		
Applicant Respondent.)		

PRETRIAL DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and the schedule instituted by the Board in its ruling from October 25, 2019, Fabryka Obrabiarek Rafamet S.A., (“Rafamet”) hereby serves the following Pretrial Disclosures on Plaintiff, Poreba Machine Tool Company LLC.

Rafamet identifies the following individual, in addition to the named parties in this case, likely to have discoverable information that it may use to support its claims or defenses in this case.

WILL CALL:

- (a) Mr. Emanuel Longin Wons
Fabryka Obrabiarek RAFAMET S.A.
Staszica 1, 47-420 Kuznia Raciborska, Poland
48 327 213 300

Mr. Wons is a principal of Rafamet. Mr. Wons can testify regarding the extent of use of the Proeba trademark on industrial machines, the relationships between Rafamet and its predecessors. Mr. Wons will testify as to the history of the use of Poreba trademark by Rafamet's distributors, including Mr. Turi and Mr. Vraets. Mr. Wons will testify regarding agreements between Opposers and Rafamet. Mr. Wons will discuss the use of the trademark on products showing that Rafamet has been using the mark through its authorized distributors. Mr. Wons will testify that Mr. Turi and Mr. Vraets were authorized to use the Poreba name while distributing authentic products by Rafamet's predecessors. While the distributorship relationship ended, Messrs. Turi and Vraets continued to use the trademark on third-party products.

Mr. Wons will testify that Opposer is an ex-distributor that attempted to coopt Rafamet's trademark the goodwill and consumer recognition associated with same. Mr. Wons will testify that Rafamet was the only authorized source of Poreba-brand goods and any use by Opposer was an infringement by an ex-distributor. Mr. Wons will testify regarding his knowledge of Rafamet's products, the history of infringing products by Opposer and how applicant's registration of its trademark POREBA 1798 will restore the ownership of the trademark to its rightful owner.

The types of documents which may be introduced during the testimony of Mr. Wons may include documents and/or correspondence related to Rafamet's (including its predecessor) use of the trademark POREBA, including materials submitted with Rafamet's Answer and Counterclaims. Documents related to the various applications for registration of the trademark POREBA, including false statements by the Opposer. Mr. Wons will also address bad-faith attempts to assign the trademark to a third party, Toolmex, and Opposer's conduct in the matter.

- (b) Mr. Slawomir Sywak
Ogrodowa 56A
47-400 Raciborz, Poland
Current telephone unknown

Mr. Sywak was an employee of Rafamet's who was assigned to work with distributors in the USA. Mr. Sywak has knowledge of the use of the trademark by the Applicant and the Applicant's predecessors.

The types of documents which may be introduced during the testimony of Mr. Sywak may include documents and/or correspondence related to Rafamet's predecessor use of the trademark POREBA, including materials submitted with Rafamet's Answer and Counterclaims. Documents related to the various applications for registration of the trademark POREBA, including false statements by the Opposer.

- (c) Mr. Henryk Slowinski
Sloan Industries, Inc.
1550 Michael Drive,
Wood Dale, IL 60191
Telephone (708) 496-8000

Mr. Slowinski is Rafamet's current distributor. Mr. Slowinski has direct knowledge of Rafamet's history with Mr. Turi and Mr. Vraets and their attempts at coopting the business and abuse of the trademark by Mr. Turi. Mr. Slowinski likely has knowledge of the relationship between the parties and the use of the trademark by Petitioner.

The types of documents which may be introduced during the testimony of Mr. Slowinski may include agreements between Rafamet and Mr. Slowinski's business, samples of use, exchanges between Opposer's agents and Mr. Slowinski, and other documents.

January 3, 2019
Date

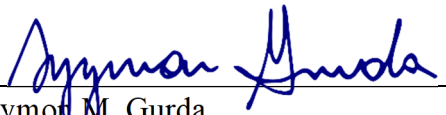
/Szymon M. Gurda/
Szymon M. Gurda, Esq.
CHERSKOV FLAYNIK & GURDA, LLC
123 West Madison Street
Suite 400
Chicago, IL 60602
(Tel) 312-621-1330

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing DEFENDANT'S PRETRIAL DISCLOSURES has been served on attorney for Petitioner Poreba Machine Tool Company LLC by forwarding said copy to:

MR. NICK MARSICO
HUCK BOUMA PC
1755 S NAPERVILLE ROAD #200
WHEATON, IL 60189
UNITED STATES

via e-mail to nmarsico@huckbouma.com on January 3, 2020.



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Reg. No. 58451