

ESTTA Tracking number: **ESTTA1098632**

Filing date: **12/01/2020**

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

Proceeding	91241481
Party	Defendant The Tai Walker Company, LLC and Ty Walker
Correspondence Address	THE TAI WALKER COMPANY LLC AND TY WALKER PO BOX 171 HARTFORD, CT 06712 UNITED STATES Primary Email: info@taiwalker.com 646-504-0016
Submission	Other Motions/Submissions
Filer's Name	TAI WALKER
Filer's email	info@taiwalker.com
Signature	/TAI WALKER/
Date	12/01/2020
Attachments	Applicant Testimony USPTO 91241481.pdf(2856700 bytes) DocuSign_Applicant_Trial_Witness-.Aernanpdf.pdf(524636 bytes) DocuSign_Applicant_Trial_Witness-_Beckwith.pdf(406195 bytes) DocuSign_Applicant_Trial_Witness-_HEP.pdf(408187 bytes) DocuSign_Applicant_Trial_Witness-Rodriguez.pdf(4051994 bytes)

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

In the Matter of Application Serial No. 87472640
For the Mark: SMOKEY ISLAND GRILLE JAMAICAN STYLE
Filed: June 2, 2017
Published: January 30, 2018

SMOKEY ISLAND GRILLE LLC

Opposer, Opposition No. 91241481

-against-

**AFFIDAVIT OF TAI
WALKER**

THE TAI WALKER COMPANY, LLC,

Applicant.

Pursuant to 37 CFR § 2.121(e) and FRCP 26(a)(3), Opposer's Pretrial Disclosures are
as follows:

AFFIDAVIT OF TAI WALKER

BEFORE ME, the undersigned officer, duly authorized to take acknowledgments and administer oaths, personally appeared TAI WALKER, who, after having been first by me duly cautioned and sworn, upon oath states:


1. I am Tai Walker/AKA/Ty Walker/ AKA Tyshawn Walker.
2. I am the legal owner of the trademark Smokey Island Grille Jamaican Style.

3. By reference, I do incorporate the witness declaration of Kristopher Rodriguez and all its exhibits to show my proof of ownership, proof of concept, and raw renderings of the mark, which I registered with the USPTO. *See*, Exhibit 1.
4. That on or about November 2012, I signed and guaranteed a 10-year commercial lease in my capacity for the demised premise located at 1274 Fulton St, Brooklyn, NY 11216 and operating a "Caribbean" style restaurant I would later use my trademark Smokey Island Grille. *See*, Exhibit 2.
5. That in good faith of an oral joint-venture agreement between Conrad Hunter and myself, I did add Mr. Hunter as a secondary party to the operating lease agreement as it was the ethical thing to do, as shown in Exhibit 2.
6. That on or about Nov 2012, shortly after signing the operating lease agreement and only upon my knowledge while enrolled in a law class at the Champlain College, I discovered that I should form my sole proprietorship into an LLC. *See*, Exhibit 3.
7. During the LLC formation, Mr. Hunter and I sought out his sister Doreen Cranston to file the LLC on our behalf. In as much so, she did. *See*, Exhibit 4.
8. That once we filed the LLC with the State of New York, I continued with the LLC publication in the designated newspaper. *See*, Exhibit 5.
9. That I further registered with the NYC New Business Acceleration Team for assistance in opening my DBA Smokey Island Grille for business. *See*, Exhibit 6.
10. That DBA Smokey Island Grille, LLC is not and has never been a signatory to the said operating lease agreement as shown in exhibit 2.
11. That Doreen Cranston is not nor has she ever been a party to the signed operating lease agreement, as shown in Exhibit 2.

12. That the DBA employed Doreen Cranston for several years until she stole my business and presented herself as the sole owner. *See*, Exhibit 7.
13. However, on or about Jan 2013, I entered into a trademark license agreement with my DBA to pay me 6.5% of monthly gross sales generated by the trademark, and Mrs. Cranston and I were the only signers to said agreement. *See*, Exhibit 8.
14. When Mrs. Cranston failed to hold up her end of the agreement to pay me my monthly royalties, on or about June 2017, I applied with USPTO to register my common law trademark into a federally recognized mark.
15. That after the publication of the mark, on or about April 2018, I filed a civil suit against the DBA, Mrs. Cranston, and Mr. Hunter for several causes of actions.
16. Mrs. Cranston had high profile administrative privileges to operate on behalf of my DBA, such as opening and establishing business bank accounts, credit card processing accounts, and other credit lines.
17. That Doreen Cranston took advantage of her corporate capacity within the joint-venture established between myself and Mr. Hunter so that she and Mr. Hunter could steal the portion of my business thereof in more than one harmful way.
18. That with the aiding and abetting of their counsel of record Stephanie Hendricks, Plaintiff and Mrs. Cranston on or about January 2018, knowingly filed falsified criminal charges against me alleging that I was her employee who stole money from them.
19. That a statement made by Attorney Hendricks, in a chain of emails to my then trademark Attorney Michael Stewart, she stated that I had "stolen" from her client and that I was "going to jail." *See*, Exhibit 9.

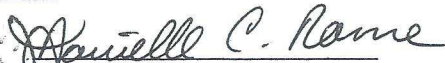
20. That Attorney Hendricks aiding and abetting tactics were intentional, and she knew she was aware that her actions would cause me reckless harm.
21. That during the formal accusation hearing, Mrs. Cranston, under oath in criminal court, further testified about a lie she knew was a lie from the beginning.
See, Exhibit 10.
22. The District Attorney dismissed the criminal charges in as much so, and I received my exoneration. *See*, Exhibit 11
23. That Plaintiff A/K/A the "DBA," cannot therefore legally establish that I worked for it; because the facts show that I am the rightful owner of an operating lease agreement and a common law trademark federally registered to operate such DBA as Smokey Island Grille.
24. That the DBA cannot further furnish any evidence of a W4, W2, employment application, or a job description created by it for me as its employee; neither can it do the same for Mr. Hunter.
25. Furthermore, it established in a prior court proceeding that I operated Smokey Island Grille, LLC as my "DBA." *See*, Exhibit 12.
26. In the case before the State of New Supreme Court, Mr. Hunter in Kings County Brooklyn and before this Tribunal Court has blatantly lied under oath no different from his sister Mr. Cranston.
27. Mr. Hunter's denies the truth about our longtime past romantic and sexual relationship, which began on or about Oct 2008- January 2017. *See*, Exhibit 13.
28. That Mr. Hunter lied under oath, stating that he didn't have a relationship with me and that he was just an employee of the Plaintiff.

29. However, Mr. Hunter has never received a W2, nor has he ever filed any federal taxes for the unreported income of the millions of dollars that he has deliberately concealed over the past eight years.
30. While attempting to open a third Smokey Island Grille, Mr. Hunter hired a previous attorney by the name of Kecia Weaver to file a civil lawsuit in Bronx County Supreme Court on behalf of himself as the Plaintiff. *See*, Exhibit 14.
31. Mr. Hunter is only claiming that he is an employee to cover up his unjust gains from all the profits the trademark produces. He uses his sisters Paula Pollack and Doreen Cranston to aid in his corrupt financial conspiracies, but further evidence will uncover these parties' acts of fraud, theft, and cruelty.
32. That Plaintiff, Mrs. Cranston, and Mr. Hunter's act of "cruelty" continued through acts of dishonesty and fraud against innocent employees. They failed to provide nearly a dozen employees with proper meal breaks, wages, and timekeeping records as a part of their financial schemes.
33. As of June 2020, these employees have since filed a class-action lawsuit against Plaintiff, Doreen Cranston, and Conrad Hunter. *See*, Exhibit 15
34. As of April 28, 2017, my financial loss is no less than \$1,403,979.00. *SEE, EXHIBIT 16*


TAI (TYSHAWN) WALKER
(Self- Represented Party) 11/30/2020

Subscribed and sworn to before me on 11/30 2020.




Danielle C. Roma
Notary Public
My Commission Expires 03/31/2024


CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020, I caused a true and correct copy of the foregoing affidavit/decalration to be served upon the following attorney of record for the applicant by electronic filing and email at stephanie@hendricksfirm.com:

Stephanie L.V. Hendricks
Hendricks Law Firm PLLC
2329 Nostrand Avenue
Suite 100
Brooklyn, NY 11210
stephanie@hendricksfirm.com
hendricksfirm.com
718.855.7076 (Office)
718.355.8785 (Fax)

Respectfully submitted,

THE TAI WALKER CO. LLC



11/30/2020

Tai Walker
Po Box 171 | Hartford, CT 06016
E: info@taiwalker.com
Ph: 646.504.0016

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

In the Matter of Application Serial No. 87472640
For the Mark: SMOKEY ISLAND GRILLE JAMAICAN STYLE
Filed: June 2, 2017
Published: January 30, 2018

SMOKEY ISLAND GRILLE LLC

Opposer, Opposition No. 91241481

-against-

**DECLARATION OF
ELLA CARTER AERNAN**

THE TAI WALKER COMPANY, LLC,

Applicant.

35 U.S. C. 25 Declaration in lieu of oath is as follows:

I, ELLA CARTER AERNAN, of LYNCHBURG, VA DECLARE THE FOLLOWING:

1. I have known the Applicant's owner Tai Walker for more than 15 years.
2. That Tai Walker contacted me on or about September 2012, to discuss creating a name for his restaurant concept in Brooklyn, NY, "Smokey Island Grille," as shown in Exhibit 1.
3. I do not know the Plaintiff Smokey Island Grille, LLC.
4. I do not know of the Plaintiff's alleged owner Doreen Cranston.
5. I do not know of the Plaintiff's alleged employee, Conrad Hunter.

All statements herein of my own knowledge are true, all statements made herein on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C 1001, and may jeopardize the validity of the application or any patent issuing thereon.

DocuSigned by:

16A017B734AE490...

11/27/2020

Ella Aernan
E: emnursing@yahoo.com

EXHIBIT

1



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

In the Matter of Application Serial No. 87472640
For the Mark: SMOKEY ISLAND GRILLE JAMAICAN STYLE
Filed: June 2, 2017
Published: January 30, 2018

SMOKEY ISLAND GRILLE LLC

Opposer, Opposition No. 91241481

-against-

**DECLARATION OF
AUBREY BECKWITH**

THE TAI WALKER COMPANY, LLC,

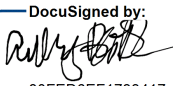
Applicant.

35 U.S. C. 25 Declaration in lieu of oath is as follows:

I, AUBREY BECKWITH, of CLEVELAND, OHIO, DECLARE THE FOLLOWING:

1. I have known the Applicant's owner Tai Walker for more than 15 years.
2. That Tai Walker contacted me on or about September 2012 to participate in a focus group to help create a name and logo for his trademark, "Smokey Island Grille," shown in Exhibit 1.
6. I do not know the Plaintiff Smokey Island Grille, LLC.
7. I do not know of the Plaintiff's alleged owner Doreen Cranston.
8. I do not know of the Plaintiff's alleged employee Conrad Hunter.

All statements herein of my own knowledge are true, all statements made herein on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C 1001, and may jeopardize the validity of the application or any patent issuing thereon.

DocuSigned by:

80FED6EF1733417...

11/28/2020

Aubrey Beckwith
E: altancak@gmail.com

EXHIBIT

1



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

In the Matter of Application Serial No. 87472640
For the Mark: SMOKEY ISLAND GRILLE JAMAICAN STYLE
Filed: June 2, 2017
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SMOKEY ISLAND GRILLE LLC

Opposer, Opposition No. 91241481

-against-

**DECLARATION OF
MICHELE HEPBURN**

THE TAI WALKER COMPANY, LLC,

Applicant.

35 U.S. C. 25 Declaration in lieu of oath is as follows:

I, MICHELE HEPBURN, of HEMPSTEAD, NEW YORK DECLARE THE FOLLOWING:

1. I have known the Applicant's owner Tai Walker for more than 15 years.
2. That Tai Walker contacted me on or about September 2012 to participate in his focus group to help create the name and logo for his trademark, "Smokey Island Grille," shown in Exhibit 1.
3. I know the Plaintiff Smokey Island Grille, LLC, to be Tai Walker's DBA for his restaurant establishment at 1274 Fulton St, Brooklyn, NY 11216.
4. I know Doreen Cranston to be the sister of Conrad Hunter and the person put in charge by Tai Walker and Conrad Hunter to handle their business affairs as Smokey Island Grille, LLC.
5. I know Conrad Hunter to be the former partner of Tai Walker and the second party to the restaurant lease in which he and Mr. Walker signed on or about October 2012.

All statements herein of my own knowledge are true, all statements made herein on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C 1001, and may jeopardize the validity of the application or any patent issuing thereon.

DocuSigned by:

FCBEB0B2CB8420...

11/30/2020

MICHELE HEPBURN

EXHIBIT

1



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

In the Matter of Application Serial No. 87472640
For the Mark: SMOKEY ISLAND GRILLE JAMAICAN STYLE
Filed: June 2, 2017
Published: January 30, 2018

SMOKEY ISLAND GRILLE LLC

Opposer, Opposition No. 91241481

-against-

**DECLARATION OF
KRISTOPHER RODRIGUEZ**

THE TAI WALKER COMPANY, LLC,

Applicant.


35 U.S. C. 25 Declaration in lieu of oath is as follows:

I, KRISTOPHER RODRIGUEZ, of BRONX, NEW YORK, DECLARE THE FOLLOWING:

1. I am a graphic artist.
2. I met Tai Walker on or about November 2012, where we first discussed logo concept designs for the restaurant he had planned to open in Brooklyn, NY namely "Smokey Island Grille."
3. Tai Walker and I entered into a work for hire agreement on or about Jan 2013, and there were no other parties to our contract. See Exhibit 1.
4. After several email exchanges and revisions, I delivered unto Tai Walker a complete finished rendering of the mark.. Very distinctively, I used the handcraft signature of Tai Walker, for the single letter "S" in the name of "Smokey." See Exhibit 2.

5. I do not know the Plaintiff Smokey Island Grille, LLC, nor did I release any rights to my work-of-art for Plaintiff's use.
6. I do not know the of the Plaintiff's alleged owner Doreen Cranston, nor did I release any rights to my work-of-art for Doreen Cranston to use.
7. I do not know of the Plaintiff's alleged employee, Conrad Hunter, nor did I release any rights to my work-of-art for Conrad Hunter to use.

All statements herein of my own knowledge are true, all statements made herein on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C 1001, and may jeopardize the validity of the application or any patent issuing thereon.

DocuSigned by:

6A190AAA60E64DD...

11/28/2020

KRISTOPHER RODRIGUEZ
E: krool15@aol.com

EXHIBIT

1

THE TAI WALKER™, CORP.

PO BOX 2809 NEW YORK, NY 10163 | PH: 646.504.0016 | EMAIL: INFO@TAIWALKER.COM

WORK FOR HIRE AGREEMENT

BETWEEN: (TY) TAI WALKER 917-536-7194/INFO@TAIWALKER.COM (hereinafter called 'The Client')

AND: KRIS RODRIGUEZ (PHONE 347-707-9510/KROOL15@AOL.COM) (hereinafter called 'Graphic Designer')

CONSIDERATION

In consideration of something of sufficient value to the circumstances, e.g. money, prints etc., the receipt and sufficiency whereof is hereby acknowledged by the Graphic Designer, both parties hereto agree as follows:

SCOPE OF WORK

The Client hereby contracts with the Graphic Designer for design services; specifically for a logo design a/k/a trademark. The logo design is for the trademark namely "Smokey Island Grille Jamaican Style" owned by The Client for a fee payable of \$75 to Designer upon completion of said logo design.

1. DESCRIPTION OF LOGO DESIGN

This Logo design should be distinctive. The colors to be used are mango, burgundy, and green. The Logo should use the signature font of the clients own handwriting; specifically the letter "S" in the tradename Smokey Island Grille Jamaican Style.

2. USE OF THE LOGO

The Graphic Designer and or his/her authorized representatives, licensees, and successors must receive *express written consent* from the Client for use of trademark whereby designed by the Graphic Designer, for any purpose of commercial use, sale, reproduction in all media, publication, display, broadcast and exhibition for promotion, advertising, trade, art or illustration. Only upon the written consent of The Client and for a fee, may the logo be used by the Graphic Designer in part or in whole, as set forth above. Logo's sketches and concepts by the Graphic Designer during this arranged design session, may be used only to showcase his or her "work-of-art;" without penalty, and or, without further compensation to The Client.

Definition(s):

Work-of-art - means work performed by the Graphic Designer for use of professional credit.

3. OWNERSHIP AND RIGHTS

The Client agrees that for a fee payable to Him/her, in accordance with the provisions set forth in section 2 of this agreement, the Logo, the copyright in the Logo, and all other rights in the Logo or copies or reproductions thereof are the sole property of the Client and the Client may protect the copyright or dispose of or authorize the use of any or all such rights in any manner whatsoever. Exclusive ownership of the

THE TAI WALKER™, CORP.

PO BOX 2809 NEW YORK, NY 10163 | PH: 646.504.0016 | EMAIL: INFO@TAIWALKER.COM

sketches and designs of the logo belongs to The Client in it's entirely; and all hard-copy's, electronic , and digital designs of the logo must be rendered to The Client at the conclusion of the design session but not to exceed more than 30 days.

4. GRAPHIC DESIGNER ACKNOWLEDGEMENT

The Graphic Designer acknowledges reading the entire Agreement prior to signing and the Graphic Designer is familiar with the contents herein.

IN WITNESS WHEREOF :

The Photographer and the Model have executed this Agreement, dated: January 5, 2013

Design session date(s): arranged between the parties / Time: TBD

Graphic Designer: KRIS RODRIGUEZ Print Name


E-Signature/Date

The Client: TAI WALKER Print Name


E-Signature/Date


PAYMENT
MADE IN
CASH OF
\$75
TW
KR

EXHIBIT

2


Outlook Mail

Download Full screen Hide email



Pic1

Kris
Sat 12/22/2012, 8:05 AM
You



ATT00001.txt
279 bytes

2 attachments (46 KB) Download all Save all to OneDrive - Personal

Smokey Grille (1).pdf Smokey Grille.pdf

Type here to search

10:35 PM 7/4/2018



↩ | ✓



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[illegible]

In folders  Tai Walker  CanWe

Inbox Kris (krool15@aol.com) 

Smokey Island Grille

From THE TAI WALKER CORP.



projects@t30c
projects@t30c

Options Kris's World!


Date: _____

☐ This week

 Smokey Grille (1).pdf
 Smokey Grille.pdf
 Show all


Outlook Mail interface showing an email from krool15@aol.com with a logo for Smokey Island Grille™. The email content includes the text "there u go :)" and a download link for the logo.

Outlook Mail interface showing an email from krool15@aol.com. The email content includes a large image of the Smokey Island Grille™ logo and the text "there u go :)". The logo is a circular emblem with a dark red background, featuring the text "Smokey Island Grille™" in a stylized font and "Jamaican Style" in a script font below it. The email interface includes a "Download" button and a "Save to OneDrive - Personal" option. The Windows taskbar at the bottom shows the time as 10:27 PM on 7/4/2018.



logo TM

krool15@aol.com
Fri 1/4/2013, 9:48 PM
You ▾



Download Save to OneDrive - Personal

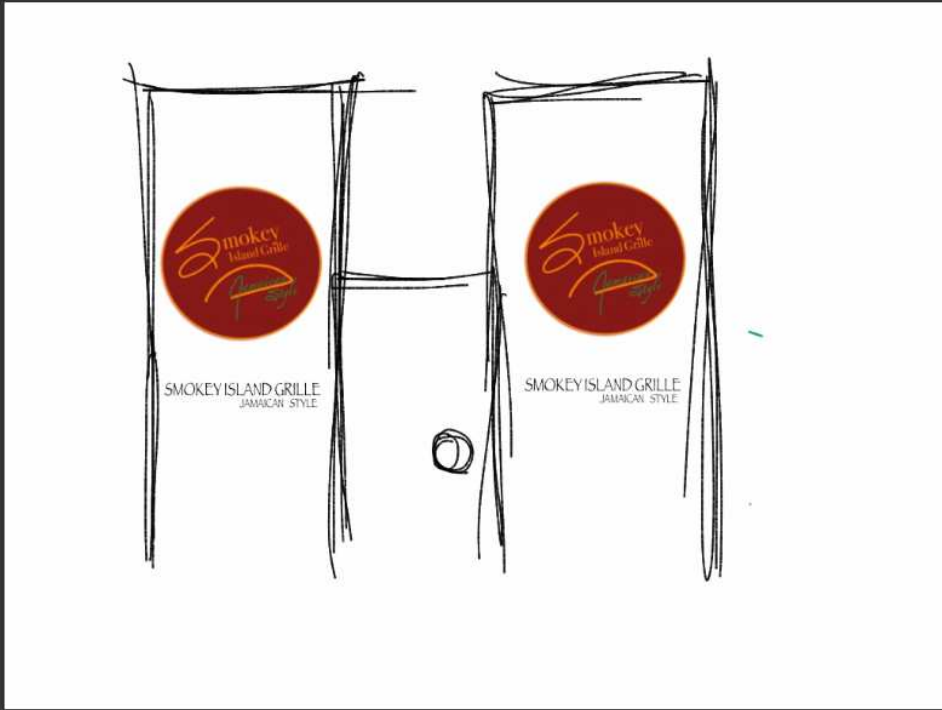
there u go :)

Outlook Mail

Download

Full screen

Hide email



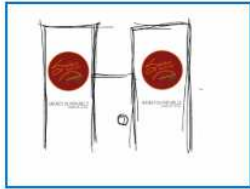
Design logo

K

Kris

Tue 1/1/2013, 8:03 PM

You



ATT00001.txt

279 bytes


2 attachments (84 KB) Download all Save all to OneDrive - Personal

Smokey Grille (1).pdf

Smokey Grille.pdf

Show all

Type here to search



10:29 PM

7/4/2018



ATT00001.txt
279 bytes

2 attachments (62 KB) Download all Save all to OneDrive - Personal

I did the full "M" so u can see he letter and made it attached to the tree.. So it didn't look like a "N" from the first option.

Outlook Mail interface showing an email conversation.

Search results:

- In folders
 - All folders
 - Inbox
 - Sent Items
 - Smokey Island Grille
 - Personal Items
- From
 - Tai Walker <info@taiwalker.com>
 - Kris <krool15@aol.cc>
 - projects@t38c <projects@t38c>
- Options
 - With attachments
- Date
 - All
 - This week
 - Last week
 - This month
 - Select range

Email Content:

Re: Redo

Kris
Fri 1/18/2013, 12:51 AM
You

Smokey Island Grille

D u like the tree and does it fit to wat u like? It's ok don't touch anything or adjust?

Kris's World!

On Jan 17, 2013, at 7:40 PM, Tai Walker <info@taiwalker.com> wrote:

> Ok this is great. But it needs to be in the largest print file and saved in png file.
>
> THE TAI WALKER CORP
>
> On Jan 17, 2013, at 6:21 PM, Kris <krool15@aol.com> wrote:
>
>>
>>
>> <photo.JPG>
>>
>>
>> Kris's World!

Right Side Ad:

STAPLES

Ink starting at \$9.99.

hp
Stand and Proud for Occasional Printing
564 Economy
SHOP NOW

Upgrade to ad-free

Taskbar:

Smokey Grille (1).pdf | Smokey Grille.pdf | Show all

Type here to search | 11:12 PM 7/4/2018

Outlook Mail interface showing an email from krol15@aol.com with a "SIG logo" attachment.

The email content displays a large circular logo for "HAPPY HOUR" featuring a stylized figure holding a drink, with the text "4PM-7PM REDUCED PRICING" at the bottom.

The right sidebar shows the sender's name "krol15@aol.com", the date "Thu 2/14/2013, 10:23 AM", and the subject "SIG logo". Below the email content, there are links for "Download" and "Save to OneDrive - Personal".

The Windows taskbar at the bottom shows the search bar, taskbar icons (including Chrome, Edge, File Explorer, and Word), and the system clock indicating 10:59 PM on 7/4/2018.

The image is a screenshot of a web browser displaying the Outlook Mail interface. The browser's address bar shows the URL "https://outlook.live.com/owa/?path=/mail/search/rp". The Outlook header includes the "Outlook Mail" logo and a navigation bar with icons for search, mail, calendar, and settings. The user's name, "TAI WALKER", is visible in the top right corner. The left sidebar shows the "Search results" section with "In folders" and "All folders" options. The main content area displays an email conversation. The email is from "Tai Walker" (info@taiwalker.com) to "Kris" (krool15@aol.com), dated "Thu 1/10/2013, 10:29 PM". The subject is "Smokey Island Grille". The email body contains the following text: "Sure.", "TAI WALKER,", "SAG-AFTRA MEMBER", "Ph: 646.504.0016 | E-mail: info@taiwalker.com", "On Jan 10, 2013, at 8:29 PM, Kris <krool15@aol.com> wrote:", "> Ok ok I can play around with it.... Do u want me to add the circle around the SIG and make it a little smaller?", ">", "> Kris's World!", ">", "> On Jan 10, 2013, at 11:35 AM, Tai Walker <info@taiwalker.com> wrote:", ">", ">> I like the concept. Maybe u can fill da cup half way up with a dark maroon purple liquid.", ">>", ">> THE TAI WALKER CORP", ">>", ">> On Jan 10, 2013, at 11:02 AM, Kris <krool15@aol.com> wrote:", ">>", ">>>", ">>>". The right sidebar shows a "You May Like" section with three recommendations: "Switch to Progressive and you could save... Progressive", "A Car Like No Other: The New Chevy Equinox... Edmunds", and "Why Kate Stood In Front Of Meghan During... Outbrain". The bottom of the browser shows the Windows taskbar with the search bar and various application icons.