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

Proceeding	91250143
Party	Defendant Theragen, Inc.
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Submission	Motion to Strike
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Signature	/Lynn E. Rzonca/
Date	01/29/2021
Attachments	Motion to Strike with Exhibits A B and C.pdf(1030417 bytes )

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

THERAGUN, LLC,	:	
	:	
Opposer,	:	
	:	
	:	Opposition No. 91250143
v.	:	Serial Nos. 88/369,252; 88/369,266
	:	
	:	Marks: THERAGEN and
	:	
THERAGEN, INC.,	:	
	:	
Applicant.	:	

**APPLICANT’S MOTION TO STRIKE OPPOSER’S REBUTTAL DECLARATIONS**

Applicant Theragen, Inc., through its undersigned attorneys, hereby moves to strike the Confidential Rebuttal Declaration of Kevin Tsao (the “Tsao Declaration”) and Rebuttal Declaration of Dr. Jason Wersland (the “Wersland Declaration”) in their entireties. Applicant moves to strike these declarations pursuant to TBMP § 707.03(b)(3), as both witnesses were not properly disclosed by Opposer, as well as pursuant to TBMP § 707.03(c), as both declarations contain nothing but improper rebuttal evidence.

**SUMMARY**

On November 2, 2020, over three months after Opposer’s trial period ended,<sup>1</sup> Opposer filed two Rebuttal Declarations, both of which attempt to introduce testimony in support of Opposer’s case-in-chief. The Tsao Declaration addresses Opposer’s advertising methods,<sup>2</sup> marketing

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<sup>1</sup> Notice of Institution filed on August 13, 2019 (2 TTABVUE 3).

<sup>2</sup> Confidential Rebuttal Declaration of Kevin Tsao filed on November 2, 2020 (“Tsao Decl.”) ¶¶ 2-3 (15 TTABVUE 2-3)

expenditures,<sup>3</sup> advertising reach,<sup>4</sup> and alleged fame.<sup>5</sup> Similarly, the Wersland Declaration addresses use of Opposer's goods<sup>6</sup> and trade channels.<sup>7</sup>

Both of these declarations should be stricken. First, neither Mr. Tsao nor Dr. Wersland were identified as witnesses by Opposer at any stage of this opposition, and as such their declarations can be summarily stricken. Second, the evidence submitted in both the Tsao and Wersland Declarations pertains directly to Opposer's case-in-chief. Its untimely inclusion in rebuttal declarations affords Applicant no opportunity to respond, and therefore renders it improper rebuttal evidence.

### **THE TSAO AND WERSLAND DECLARATIONS SHOULD BE STRICKEN**

#### **I. As Neither Tsao Nor Wersland Were Disclosed by Opposer, Their Declarations Should Be Stricken Without Consideration**

T.T.A.B. rules require a party to disclose "the name and, if not previously provided, the telephone number and address of each witness from whom it intends to take testimony, or may take testimony if the need arises..." in addition to other substantive information regarding the witness and the subject(s) of his/her testimony. TBMP § 702.01. Opposer had previously failed to disclose any witnesses in its initial disclosures.<sup>8</sup> Subsequently, Opposer specifically stated in its pretrial disclosures that it did "not intend to call any witnesses or submit any testimony during its testimony period."<sup>9</sup> Despite this representation, Opposer now attempts to offer two declarations in rebuttal only after

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<sup>3</sup> *Id.*, ¶¶ 4-6 (15 TTABVUE 3).

<sup>4</sup> *Id.*, ¶ 7.

<sup>5</sup> *Id.*, ¶¶ 8-14 (15 TTABVUE 4-5).

<sup>6</sup> Rebuttal Declaration of Dr. Jason Wersland filed on November 2, 2020 ("Wersland Decl."), ¶¶ 4-7 (14 TTABVUE 3).

<sup>7</sup> *Id.*, ¶¶ 10-13 (14 TTABVUE 4-5).

<sup>8</sup> See Exhibit A, Opposer's Initial Disclosures.

<sup>9</sup> See Exhibit B, Opposer's Pretrial Disclosures.

Applicant's witness, who Applicant properly disclosed in its pretrial disclosures,<sup>10</sup> submitted his declaration testimony.

Attempted rebuttal testimony from any witness not previously identified in an opposer's initial disclosures or in any of opposer's pretrial disclosures can be automatically stricken, via motion, solely on the basis of failure to disclose. *See* TBMP § 707.03(b)(3) ("A party may object to improper or inadequate pretrial disclosures and may move to strike the testimony of a witness for lack of proper pretrial disclosure."); 37 C.F.R. § 2.121(e) ("When testimony has been presented by affidavit or declaration, but was not covered by an earlier pretrial disclosure, the remedy for any adverse party is the prompt filing of a motion to strike..."); *see also Undefeated, Inc. v. Williams*, 2020 TTAB LEXIS 99, \*20 (T.T.A.B. March 27, 2020) (striking rebuttal declarations due to lack of disclosure); *Jurgensen/Rhapsody Inc. v. Baumberger*, 91 USPQ2d 1443, 1444 (T.T.A.B. 2009) (testimony stricken because identity of witness not disclosed prior to trial).

The rule applies here. Neither Mr. Tsao nor Dr. Wersland have *ever* been identified as witnesses by Opposer. Moreover, Opposer specifically represented that it did not intend to offer any witness testimony. Opposer made its original decision not to submit testimony, and cannot now correct its strategy *post hoc* by submitting testimony from witnesses it had not previously disclosed to Applicant pursuant to T.T.A.B. procedure. As such, the Tsao and Wersland Declarations should be summarily stricken in their entireties.

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<sup>10</sup> *See* Exhibit C, Applicant's Pretrial Disclosures.

## **II. The Tsao and Wersland Declarations Improperly Contain Only Case-In-Chief Evidence, Not Rebuttal Testimony**

Even had Tsao or Wersland been properly disclosed as witnesses, the topics of their respective declarations would have been proper only for submission during Opposer's trial period, not through rebuttal. They are thus suitable for this motion to strike. *See* TBMP § 707.03(c) (improper rebuttal testimony suitable for motion to strike). "It is axiomatic that rebuttal testimony may be used only to rebut evidence offered by the defendant." *Life Zone Inc. v. Middleman Group Inc.*, 87 USPQ2d 1953, 1958 (T.T.A.B. 2008) (emphasis added) (quoting *Wet Seal Inc. v. FD Mgmt. Inc.*, 82 USPQ2d 1629 (T.T.A.B. 2007)); *see also United States Playing Card Co. v. Harbro LLC*, 81 USPQ2d 1537 (T.T.A.B. 2006) (granting motion to strike rebuttal evidence because "[o]pposer's rebuttal testimony did not refute or explain applicant's testimony, but rather added to its proofs made as part of its case in chief."). "Evidence which should constitute part of an opposer's case in chief, but which is made of record during the rebuttal period, is not considered when the applicant objects." *Automedx Inc. v. Artivent Corp.*, 95 USPQ2d 1976, 1977 (T.T.A.B. 2010); *see also Hester Indus. Inc. v. Tyson Foods Inc.*, 2 USPQ2d 1645, 1647 (T.T.A.B. 1987) ("To the extent that any evidence offered by opposer during its rebuttal testimony period served to support its case in chief, it constituted improper rebuttal and cannot be considered.").

The reason for this rule is simple and just: "[a]pplicant is entitled to an opportunity to rebut, during its testimony period, any testimony and evidence proffered in support of the allegations in the notice of opposition. This opportunity is foreclosed if opposer withholds the evidence until its rebuttal testimony period, which is intended to be limited to denials, refutations or explanations of applicant's testimony and evidence." *Gen. Elec. Co. v. Graham Magnetics Inc.*, 197 USPQ 690, 692 n.5 (T.T.A.B. 1977).

Here, Applicant objects to both the Tsao and Wersland Declarations as containing improper case-in-chief evidence and not “denials, refutations, or explanations of applicant’s testimony and evidence,” thus warranting a grant of the present motion to strike and no consideration by the Board.

**A. The Tsao Declaration Contains Improper Case-In-Chief Evidence**

The Tsao Declaration improperly attempts to introduce evidence regarding Opposer’s advertising expenditures, reach, and media relations related to Opposer’s THERAGUN mark. First, this evidence is improper because none of Applicant’s evidence presented during its trial period related to these topics, and therefore there was nothing for Opposer to rebut. *See Popeyes La. Kitchen, Inc. v. Bonica*, 2020 TTAB LEXIS 227, \*8 (T.T.A.B. May 15, 2020) (evidence improperly submitted when discussing subjects not argued by other party); *see also Gillette Can. Co. v. Robin Research Labs., Inc.*, 2005 TTAB LEXIS 168, \*5-6 (T.T.A.B. April 12, 2005) (opposer had no right to rebut what applicant did not previously provide evidence in support of).

Moreover, evidence “attempting to show common advertising media...pertain[s] to [opposer’s] case-in-chief and should [be] offered during its initial trial period.” *See Visual Info. Inst., Inc. v. Vicon Indus.*, 1980 TTAB LEXIS 63, \*4, 209 U.S.P.Q. (BNA) 179, 182 (T.T.A.B. December 22, 1980). In *Visual Info. Inst.*, the petitioner attempted to submit rebuttal testimony attesting to its advertising media. *Id.* at \*4, 182. The Board subsequently granted the respondent’s motion to strike the rebuttal evidence, finding that the advertising media testimony pertained to petitioner’s case-in-chief and held that “[e]vidence introduced during a rebuttal period may not be utilized to supplement the principal record....” *Id.* at \*6, 182.

The present case is on all fours with *Visual Info. Inst.*, as Opposer here also attempts to submit “common media advertising” evidence such as Opposer’s advertising expenditures<sup>11</sup> and various third-party articles about Opposer’s products<sup>12</sup> through the Tsao Declaration. However, Opposer had its opportunity to submit such evidence during its main trial period. It cannot now correct its failure to timely do so through an improper rebuttal declaration.

There is no question that Opposer’s rebuttal testimony and supplemental documents were submitted to allegedly evidence sales and advertising expenditures in support of Opposer’s contentions that THERAGUN is a strong mark. But this evidence should have been submitted with Opposer’s case-in-chief. Opposer bears the burden of proof in this proceeding, including the burden to establish strength and fame in Opposer’s mark. *See B&B Hardware, Inc. v. Hargis Indus.*, 135 S. Ct. 1293, 1300 (2015). Thus, it was incumbent upon Opposer to proffer admissible evidence concerning such strength and fame during its case-in-chief, including the advertising expenditures and media relations currently being submitted to support Opposer’s arguments. Allowing Opposer to introduce testimony and evidence of the nature submitted as and with the Tsao Declaration denies Applicant the opportunity to address the testimony and evidence in any way, and therefore is strikable as improper. Accordingly, Opposer’s Confidential Rebuttal Declaration of Kevin Tsao should be stricken in its entirety.

**B. The Wersland Declaration Also Contains Improper Case-In-Chief Evidence**

The Wersland Declaration should similarly be deemed inadmissible and stricken, because it attempts to offer testimony regarding the respective parties’ goods. Such a topic is primary case-in-

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<sup>11</sup> Tsao Decl., ¶¶ 3-4 (15 TTABVUE 2-3).

<sup>12</sup> *Id.*, ¶¶ 8-11 (15 TTABVUE 4).

chief evidence that should have been submitted during Opposer’s opening trial period, and not as rebuttal.

Evidence regarding the “similarity or dissimilarity and nature of the goods is a factor in the likelihood of confusion analysis for which [o]pposer... has the burden of coming forward with evidence during its own testimony period.” *Am. Council on Exercise v. Utah Aces LLC*, 2016 TTAB LEXIS 570, \*16 (T.T.A.B. November 25, 2016). The opposer in *Am. Council on Exercise v. Utah Aces LLC* endeavored to introduce via rebuttal evidence deposition testimony in which opposer’s employees testified as to the nature of opposer’s services. *Id.* at \*14. The Board found that such rebuttal evidence was inadmissible, as it deemed the opposer was attempting to introduce basic evidence appropriate only for opposer’s case-in-chief. *Id.* at \*16.

Here, the bulk of the Wersland Declaration seeks to introduce exactly what the opposer in *Am. Council on Exercise v. Utah Aces LLC* also sought to introduce as rebuttal testimony: the similarity or dissimilarity, and nature of the parties’ goods. For example, the Wersland Declaration states that “Electrostimulatory devices are commonly used for purposes similar to those for which Opposer’s massage products are used...”<sup>13</sup> and “Some users may choose to use both Opposer’s massage products and an electrostimulatory [sic] stimulatory devices...”<sup>14</sup> All testimony describing Opposer’s products and drawing comparisons between Opposer’s products and Applicant’s products belonged in Opposer’s case-in-chief, and should be stricken from the record as improper rebuttal evidence.

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<sup>13</sup> Wersland Decl., ¶ 9 (14 TTABVUE 4).

<sup>14</sup> *Id.*, ¶ 12.



## **CONCLUSION**

Neither Mr. Tsao nor Dr. Werland were timely disclosed by Opposer. Moreover, neither the Tsao Declaration nor the Wersland Declaration contain “denials, refutations, or explanations of applicant’s testimony and evidence,” but instead only recite evidence that Opposer had the burden to provide during its primary trial period. Accordingly, both the Tsao Declaration and Wersland Declaration were improperly submitted by Opposer. Applicant respectfully requests that the Board strike the Confidential Rebuttal Declaration of Kevin Tsao and the Rebuttal Declaration of Dr. Jason Wersland, and not consider the testimony contained therein when it renders a decision.

Date: January 29, 2021

Respectfully submitted,

/Lynn E. Rzonca/

Lynn E. Rzonca

Brian S.S. Auerbach

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*Attorneys for Applicant*

**CERTIFICATE OF SERVICE**

I, Kristel Tupja, hereby certify that a true and correct copy of APPLICANT’S MOTION TO STRIKE OPPOSER’S REBUTTAL DECLARATIONS was served on the Attorney of Record for the Opposer by e-mail on the date below:

Rod S. Berman  
Remi Salter  
Jessica Bromall Sparkman  
Jeffer Mangels Butler & Mitchell LLP  
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[RBerman@jmbm.com](mailto:RBerman@jmbm.com)  
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Dated: January 29, 2021

/Kristel Tupja/  
Kristel Tupja

# **Exhibit A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THERAGUN, LLC,

Opposer,

v.

THERAGEN, INC.,

Applicant.

Opposition No. 91/250,143

Appl. Serial Nos.: 88/369,252; 88/369,266

Mark: THERAGEN

Published for Opposition: July 3, 2019

Atty. Ref. No.: 76840-9019

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**OPPOSER'S INITIAL DISCLOSURES**

Opposer Theragun, LLC ("Opposer"), by and through its undersigned counsel, hereby sets forth its initial disclosures pursuant to Federal Rule of Civil Procedure 26(a) and 37 C.F.R. § 2.120. These Disclosures are based on information currently available to Opposer and its counsel. Opposer reserves the right to rely on witnesses, documents, and other information that may come to its or its counsel's attention through discovery and trial preparation. Opposer also reserves the right to modify or supplement these disclosures as discovery proceeds.

**I. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION**

The contact information, if known, of the individuals most likely to have discoverable information that Opposer may use to support its claims and defenses, and the subject of that information, is as follows:

1. Benjamin Nazarian, Chief Executive Officer, of Opposer. Mr. Nazarian may be contacted through Opposer's counsel, and may testify regarding:

- Opposer's use and intended use of its THERAGUN marks identified and described in Paragraphs 1-2 of Opposer's Notice of Opposition (the "THERAGUN Marks");
- the goods in connection with which Opposer uses and intends to use the THERAGUN Marks ("Opposer's Goods");
- the applications to register and the registration of the THERAGUN Marks;
- the markets in which Opposer promotes, distributes, advertises, and sells, and intends to promote, distribute, advertise, and sell Opposer's Goods;
- the actual and intended advertising, marketing, distribution and sale of Opposer's Goods;
- the actual and intended consumers and channels of trade for Opposer's Goods;
- the overall operation of Opposer's business;
- the impact on Opposer of the continued registration of the THERAGEN marks by Theragen, Inc.;
- Opposer's efforts to monitor and enforce its rights in the THERAGUN Marks.

2. Experts, not yet identified.

3. Applicant Theragen, Inc. ("Applicant"), or representatives of Applicant, to be identified, who have knowledge concerning, among other things:

- the day-to-day operation of Applicant's business;
- the creation, development, and use or intended use of Applicant's marks, as identified in Opposer's Notice of Opposition ("Applicant's Marks");
- the applications to register Applicant's Marks;

- the goods and services in connection with which Applicant uses or intends to use Applicant's Marks ("Applicant's Goods");
- the markets in which Applicant promotes, distributes, advertises, and sells, or intends to promote, distribute, advertise, and sell Applicant's Goods;
- the actual or intended advertising, marketing, distribution and sale of Applicant's Goods;
- the actual or intended consumers and channels of trade for Applicant's Goods; and
- Applicant's knowledge of the THERAGUN Marks and their use.

Identification of the above persons does not waive any privileges or work product protection that may apply to information possessed by them. Opposer reserves all rights to disclose and use additional witnesses and information as its discovery and investigation proceeds.

## **II. DESCRIPTION OF DOCUMENTS**

The documents, data compilations, and tangible things, not privileged or protected from disclosure, reasonably available to Opposer which Opposer may use to support its claims or defenses include the following. Unless otherwise indicated, such documents are in the possession, custody, or control of Opposer or its counsel.

1. Documents relating to the impact on Opposer of the continued registration of the THERAGEN marks by Applicant.
2. Documents concerning Opposer's use and intended of the THERAGUN Marks.
3. Documents concerning the applications to register and the registration of the THERAGUN Marks.

4. Documents concerning the goods in connection with which Opposer uses or intends to use the THERAGUN Marks.
5. Documents concerning the markets in which Opposer promotes, distributes, advertises, and sells, or intends to promote, distribute, advertise, and sell Opposer's Goods.
6. Documents concerning the actual or intended advertising, marketing, distribution, and sale of Opposer's Goods.
7. Documents concerning the actual or intended consumers and channels of trade for Opposer's Goods.
8. Documents concerning Opposer's efforts to monitor and enforce its rights in the THERAGUN Marks.
9. Documents to be obtained from Applicant and/or third parties concerning the day-to-day operations of Applicant's business.
10. Documents to be obtained from Applicant and/or third parties concerning the creation, development, and use or intended use of Applicant's Marks.
11. Documents to be obtained from Applicant and/or third parties concerning the applications to register Applicant's Marks.
12. Documents to be obtained from Applicant and/or third parties concerning the goods in connection with which Applicant uses or intends to use Applicant's Marks.
13. Documents to be obtained from Applicant and/or third parties concerning the markets in which Applicant promotes, distributes, advertises, and sells, or intends to promote, distribute, advertise, and sell Applicant's Goods.
14. Documents to be obtained from Applicant and/or third parties concerning the actual or intended advertising, marketing, distribution and sale of Applicant's Goods.



15. Documents to be obtained from Applicant and/or third parties concerning the actual or intended consumers and channels of trade for Applicant's Goods.

16. Documents to be obtained from Applicant and/or third parties concerning Applicant's knowledge of the THERAGUN Marks and their use.

17. Documents concerning the strength of the THERAGUN Marks.

18. Documents, including those to be obtained from Applicant and/or third parties, relating to likelihood of confusion between the parties, their products, or their marks.

Identification of the above categories of documents does not waive any privileges or work product protection that may apply to information to individual documents within those categories. Opposer reserves all rights to disclose and use whatever additional evidence comes to its attention as its discovery and investigation of these matters proceed.

### **III. DAMAGES CALCULATIONS**

Not applicable.

### **IV. INSURANCE AGREEMENTS**

Opposer is not aware of any insurance coverage for this matter.

Respectfully submitted,



Rod S. Berman, Esq.

Jessica Bromall Sparkman, Esq.

Remi Salter, Esq.

JEFFER MANGLES BUTLER & MITCHELL LLP

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Facsimile: (30) 203-0567

E-mail: trademarkdocket@jmbm.com

Attorneys for Opposer ASP UC Support, LLC

Dated: November 13, 2019

**CERTIFICATE OF SERVICE**

It is hereby certified that on November 13, 2019, a copy of the foregoing **OPPOSER'S INITIAL DISCLOSURES** is being served, via email, addressed to Applicant's attorney of record as follows:

Lynn E. Rzonca, Esq.  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103

tmdocketing@ballardspahr.com, rzoncal@ballardspahr.com, tupjak@ballardspahr.com



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Remi T. Salter

# **Exhibit B**

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

THERAGUN, LLC,  
Opposer,  
v.  
THERAGEN, INC.,  
Applicant.

Opposition No. 91/250,143  
Appl. Serial Nos.: 88/369,252; 88/369,266  
Mark: THERAGEN  
Published for Opposition: July 3, 2019  
Atty. Ref. No.: 76840-9019

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**OPPOSER'S PRETRIAL DISCLOSURES**

Opposer Theragun, LLC (“Opposer”), by and through its undersigned counsel, hereby sets forth its pretrial disclosures (“Disclosures”) pursuant to Federal Rule of Civil Procedure 26(a) and 37 C.F.R. § 2.121. These Disclosures are based on information currently available to Opposer and its counsel.

Opposer reserves the right to rely on witnesses, documents, and other information that may come to its or its counsel's attention through further discovery and trial preparation. Opposer also reserves the right to modify or supplement these disclosures as discovery proceeds.

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At this time, based on the information presently available to it, Opposer does not intend to call any witnesses or submit any testimony during its testimony period.

Respectfully submitted,

Dated: July 20, 2020

/s/ Jessica Bromall Sparkman  
Rod S. Berman, Esq.  
Jessica Bromall Sparkman, Esq.  
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E-mail: trademarkdocket@jmbm.com  
Attorneys for Opposer Theragun, LLC

**CERTIFICATE OF SERVICE**


I hereby certify that on July 20, 2020 a true and correct copy of the foregoing **OPPOSER'S PRETRIAL DISCLOSURES** is being served, via email, addressed to Applicant's attorney of record as follows:

Lynn E. Rzonca  
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Email: tmdocketing@ballardspahr.com, rzoncal@ballardspahr.com

/s/ Jessica Bromall Sparkman  
Jessica Bromall Sparkman

# **Exhibit C**

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

THERAGUN, LLC,	:	
	:	
Opposer	:	
	:	Opposition No. 91250143
	:	
v.	:	Serial Nos. 88/369,252; 88/369,266
	:	
	:	
	:	Mark: THERAGEN and 
THERAGEN, INC.,	:	
	:	
Applicant.	:	

**APPLICANT’S PRETRIAL DISCLOSURES**

Pursuant to 37 CFR § 2.121(e) and TBMP § 702.01, Theragen, Inc. (“Applicant”), by its undersigned counsel Ballard Spahr LLP, submits the following pretrial disclosures to Theragun, LLC (“Opposer”).

Applicant may submit testimony from the following individual during its testimony period:

**J. Chris McAuliffe**  
Chief Executive Officer  
Theragen, Inc.  
1220 Assett Loop, Suite 101,  
Manassas, Virginia 20109

Mr. McAuliffe may be contacted through counsel for Applicant. Mr. McAuliffe may testify regarding Applicant's intended use of its THERAGEN marks, its products intended to be provided under the marks, the intended consumer audience for the marks, the intended channels of trade for the products to be provided under the marks, Applicant’s intended marketing, advertising, and promotion of the marks, and the lack of any actual confusion between the marks



of Opposer and Applicant. If necessary, Applicant may introduce documents related to the same topics as part of Mr. McAuliffe's testimony.

Dated: July 31, 2020

/s/ Lynn E. Rzonca

Lynn E. Rzonca

Kristel Tupja

Brian Auerbach

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*Attorneys for Opposer Theragen, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Applicant's Pretrial Disclosures was served on the Attorney of Record for the Opposer by e-mail on the date below:

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Dated: July 31, 2020

/s/ Kristel Tupja  
Kristel Tupja