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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	Other Motions/Papers
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Signature	/Lynn E. Rzonca/
Date	11/15/2019
Attachments	Initial Disclosures - THERAGEN.pdf(227410 bytes)

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

THERAGUN, LLC,)	
)	
Opposer,)	Opposition No. 91250143
)	
v.)	
)	
THERAGEN, INC.,)	
)	
Applicant.)	

APPLICANT’S INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure and 37 CFR § 2.120, Theragen, Inc. (“Applicant”), by its undersigned counsel Ballard Spahr LLP, submits the following initial disclosures to Theragun, LLC (“Opposer”). Each of these disclosures is made subject to, and without waiver of, any objection to, or privilege protecting the production or use of any document described herein or the testimony of any person identified. These disclosures are based on Applicant’s information and belief at the present time after reasonable investigation, and Applicant reserves the right to supplement or amend these disclosures at any time.

1. Individuals Likely to Have Discoverable Information That Applicant May Use to Support Its Claims

Individual	Area of Knowledge	Contact Details
J. Chris McAullife Chief Executive Officer Theragen, Inc.	THERAGEN trademark application filing	Counsel for Applicant Lynn E. Rzonca Kristel Tupja Ballard Spahr LLP 1735 Market Street, 51 st Floor Philadelphia, PA 19103 RzoncaL@ballardspahr.com ; TupjaK@ballardspahr.com

Individual	Area of Knowledge	Contact Details
Richard Pearce Vice President, Research & Development Theragen, Inc.	Applicant's products and services, customers and target customers, channels of trade, marketing and advertising related thereto.	Counsel for Applicant Lynn E. Rzonca Kristel Tupja Ballard Spahr LLP 1735 Market Street, 51 st Floor Philadelphia, PA 19103 RzoncaL@ballardspahr.com ; TupjaK@ballardspahr.com
Thomas Burke Vice President of Finance and Treasurer Theragen, Inc.	Applicant's products and services, customers and target customers, channels of trade, marketing and advertising related thereto.	Counsel for Applicant Lynn E. Rzonca Kristel Tupja Ballard Spahr LLP 1735 Market Street, 51 st Floor Philadelphia, PA 19103 RzoncaL@ballardspahr.com ; TupjaK@ballardspahr.com

2. Description of Documents, Data, and Tangible Things That Applicant May Use to Support Its Claims

The following documents in the possession, custody, or control of Applicant or its counsel may be used to support its claims in this matter. Documents to be used solely for impeachment purposes are not included herein.

- (i) Documents associated with Applicant's pending trademark application for the mark THERAGEN.
- (ii) Documents relating to the use of Applicant's THERAGEN mark.
- (iii) Documents relating to the trade channels and target customer for the goods and services offered under the THERAGEN mark.
- (iv) Documents relating to the advertising and promotion of the THERAGEN mark.

All of the foregoing documents are believed to be found at the office of the undersigned attorney or at Applicant's principal place of business located at 11220 Assett Loop, Suite 101, Manassas, Virginia 20109. Applicant anticipates that other relevant documents and things are likely in the possession of Opposer or non-parties to this action.

These disclosures do not constitute an admission as to the relevance of the identified materials or a waiver of an attorney-client privilege or work product protection or other application protection or immunity. Because Applicant's investigation is ongoing, it expressly reserves the right to rely upon other documents and witness to support its claims upon further discovery.

Dated: November 15, 2019

/s/ Lynn E. Rzonca

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Attorneys for Theragen, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Applicant's Initial Disclosures have been served upon all parties by e-mail at their address of record listed herein on November 15, 2019.

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Dated: November 15, 2019

By: */Kristel Tupja/*
Kristel Tupja