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

Proceeding	91252134
Party	Defendant American Medical Group LLC
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Submission	Reply in Support of Motion
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Date	02/17/2020
Attachments	APPLICANT INITIAL DISCLOSURES.pdf(316006 bytes )

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

**In re: Serial No.           88/010,256**  
**For the Mark:             B-FIRST**  
**Application Date:         June 21, 2019**  
**Publication Date:         October 8, 2019**

**PATIENT FIRST CORPORATION**

Opposer,

v.

**AMERICAN MEDICAL GROUP LLC**

Applicant.

**Opposition No. 91252134**

**APPLICANT’S INITIAL DISCLOSURES**

Applicant **AMERICAN MEDICAL GROUP LLC**, (“Applicant” or “AMG”), by counsel, pursuant to Fed. R. Civ. P. 26(a)(1), TBMP § 410.02, and based on the information now reasonably available to it, for its initial Disclosure to Opposer, **PATIENT FIRST CORPORATION** (hereinafter “Opposer”), states as follows:

- (i) The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the

subjects of that information – that the disclosing party may use to support its claims and defenses, unless the use would be solely for impeachment:

1. Don Gatto, President of American Medical Group, LLC, can be contacted through the undersigned counsel. Mr. Gatto has discoverable information related to the matter of this opposition and AMG's trademarks and service marks, and use.
- (ii) A copy – a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use in support its claims or defenses, unless the use would be solely for impeachment:
1. In accordance with Fed. R. of Civ. P. 26(a)(1), Applicant is making its initial disclosures based on information reasonably available to it this time. Applicant has not yet identified documents upon which it intends to rely. However, certain documents are such as Opposer' file history of its cited trademarks and prior litigation of Opposer. AMG acknowledges that it will supplement this disclosure if and when it identifies additional documents and tangible objects that may be used to support its claims and defenses, including summaries of Trademark Office records.
  2. Applicant AMG may use some of the documents that it anticipates it will receive from Opposer in discovery, including without limitation additional and supplemental discovery responses.

3. Applicant may use some of the documents that it anticipates receiving from third parties in response to Notices of Opposition, subpoenas or otherwise. The responses to such subpoenas may identify records custodians who may have discoverable information.
4. Applicant further acknowledges that discovery in this opposition proceeding is ongoing and may dictate the need to identify additional relevant documents and tangible objects that Applicant may use or support its claims and defenses.
5. Applicant has not yet identified any privileged documents to support any claims or defenses in this opposition proceeding, so no such documents are being disclosed as part of these Initial Disclosures. Pursuant to Fed. R. of Civ. P. 26(b), Applicant objects to disclosure or production of documents and materials that constitute attorney work product or that contain attorney-client communications. These documents and materials may consist of correspondence between counsel and Applicant, correspondence between counsel and third-parties, and counsel's notes concerning investigation or interviews with witnesses. The inadvertent or unintentional disclosure of such documents and materials shall not be deemed a waiver in whole or in part of Applicant's claims of protection or privilege, either as to the specific information, document or thing disclosed or as to any

other material or information concerning the same or related subject matter.

- (iii) A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying under Rule 34, the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered: None.
- (iv) For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgement in the action or to indemnify or reimburse for payments made to satisfy judgement: None.

Date: February 17, 2020

Respectfully submitted.

**AMERICAN MEDICAL GROUP LLC**  
By counsel

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**Attorneys for Applicant**

## CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2020, I caused copy of the foregoing notice to be served by electronic mail, to the following:

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