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Filing date: **09/03/2022**

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

Proceeding no.	91274163
Party	Defendant Balance Athletica, LLC
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Date	09/03/2022
Attachments	2022-09-03 Notice of Expert Disclosures 2.pdf(380282 bytes)

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

RETAIL ROYALTY COMPANY,

Opposers,

v.

BALANCE ATHLETICA, LLC,
and LODO IP, LLC,

Applicant.

Opposition No. 91274163



Mark:

Serial No.: 90/332,530

Filing Date: November 20, 2020

APPLICANT'S NOTICE OF EXPERT DISCLOSURES

Applicant Vitality (f.k.a Balance Athletica, LLC) gives Notice that it has endorsed the following Retained Expert Witnesses:

1. Mary Capozzi, Adjunct Assistant Faculty at Fashion Institute of Technology, to opine on whether consumers identify the signature contour glute seam with Vitality and the possibly of creating competitive leggings without the signature contour glute seam.
2. Nancy Lepler, a seasoned cross-functional merchandising expert, to opine on the costs of making Vitality's leggings with the signature contour glute seam as opposed to other leggings, whether it confers any benefits on wearers of Vitality's leggings, and whether consumers recognize it as a signature feature of the Vitality brand.

Additional documentation supporting these endorsements, including a description of the qualifications of the expert witness, the subject matter of their expected testimony, and the facts and opinions the expert witnesses will testify will be served served upon Opposer via e-mail.

Dated: September 3, 2022

Respectfully submitted,

Milgrom & Daskam

By: / Amanda L. Milgrom/

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CERTIFICATE OF FILING

The undersigned hereby certifies that on September 3, 2022, a true and correct copy of the foregoing **APPLICANT'S NOTICE OF EXPERT DISCLOSURES** was served upon counsel for Opposer by email as follows:

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