

ESTTA Tracking number: **ESTTA1456505**Filing date: **08/14/2025**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91288559
Party	Defendant Cummins Inc.
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Date	08/14/2025
Attachments	Applicants Notice of Expert Disclosures.pdf(136101 bytes )

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

In the matter of Trademark Application Serial No. 97/317,194 Published for Opposition in the Official Gazette on June 6, 2023, and Serial Nos. 97/746,992 and 97/747,097 Published for Opposition in the Official Gazette on March 13, 2024

ACCELLERON SWITZERLAND LTD.

Opposer,

v.

CUMMINS INC.,

Applicant.

Consolidated Opp. No. 91288559  
(consolidated with Opp. No. 91291970)

**Marks:**

ACCELERA



**APPLICANT’S NOTICE OF EXPERT DISCLOSURES**

Applicant Cummins Inc. (“Applicant” or “Cummins”) hereby files this notice pursuant to TBMP §§ 401.03, 408.01(b), and 409 to inform the Board of its rebuttal expert disclosures.

On August 14, 2025, pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii), Applicant served on Opposer Accelleron Switzerland Ltd. (“Opposer”) via electronic mail the Rebuttal Expert Report of Thomas Freeman. A copy of the certificate of service for the expert disclosure of Thomas Freeman is attached as Exhibit 1.

Applicant further notes that, on July 1, 2025, Opposer consented to a 30-day extension of time for Applicant to serve a rebuttal expert report in response to Opposer’s June 16 expert disclosure and report of Professor Werner J.A. Dahm. Accordingly, Applicant’s disclosure is timely and complies with the Board’s directive at 18 TTABVUE 3, n. 1.

Respectfully submitted,

Dated: August 14, 2025

By: /s/ Roma Lopes  
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*Counsel for Applicant, Cummins Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S NOTICE OF EXPERT DISCLOSURES** has been served by email on this 14<sup>th</sup> day of August 2025 to the addresses listed below:

[efiling@knobbe.com](mailto:efiling@knobbe.com)  
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\_\_\_\_/s/Roma Lopes\_\_\_\_

# **Exhibit 1**

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the **REBUTTAL EXPERT REPORT OF THOMAS FREEMAN** has been served by email on this 14<sup>th</sup> day of August 2025 to the addresses listed below:

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\_\_\_\_/s/Roma Lopes\_\_\_\_