

ESTTA Tracking number: **ESTTA309723**

Filing date: **10/05/2009**

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

Proceeding	92051017
Party	Plaintiff Forethought Financial Services, Inc.
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Date	10/05/2009
Attachments	20091005162107.pdf (5 pages)(161079 bytes)

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

In re: Registration of
Enigma Marketing & Travel Solutions, Inc.

Registration No.: 3,539,936

Registration Date: December 2, 2008

Mark: **EXCLUSIVELY FORE THOUGHT**

Forethought Financial Services, Inc.,
Petitioner

v.

Enigma Marketing & Travel Solutions, Inc.
Respondent

**PETITIONER FORETHOUGHT FINANCIAL SERVICES INC.'S
INITIAL DISCLOSURES**

Petitioner, Forethought Financial Services, Inc. ("Forethought"), by counsel, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, makes the following initial disclosures based upon information reasonably available at this time. These disclosures are based on Forethought's preliminary investigation and the information collected as of the date of these disclosures. Although Forethought has endeavored to conduct a reasonable investigation, it cannot exclude the possibility that its continued review of these subjects may reveal more complete information. Consequently, Forethought expressly reserves the right to supplement and/or amend its initial disclosures if and/or when new information becomes available.

General Objections

1. Privileged Information. Forethought objects to the disclosure of information to the extent such information or communication is protected by the attorney/client

privilege or any other applicable privilege on the grounds that such matters are exempted from discovery. Forethought also reserves the right to further object on this basis.

2. Work Product. Forethought objects to the disclosure of information to the extent such information or communication is not discoverable by reason of the work product doctrine. Forethought also reserves the right to further object on this basis.

3. Relevance. Forethought objects to the disclosure of information that is not relevant or is not reasonably calculated to lead to the discovery of admissible evidence. Forethought also reserves the right to further object on this basis.

The following disclosures are made subject to and without waiving the foregoing General Objections.

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION PERTAINING TO ALLEGED INJURY (FED. R. CIV. P. 26(a)(1)(A)(i))

The following individuals and/or entities may have discoverable information pertaining to Petitioner's claims and its relationship with Enigma Marketing & Travel Solutions, Inc. ("Enigma")

1. Walter Dixon
Susan Dreyer
Joe Girgenti
Mark Guzniczak
Betsy Hawkins
John Schutte
Ron Townsend

The above individuals may only be contacted through Counsel at Baker & Daniels LLP, 300 N. Meridian Street, Suite 2700, Indianapolis, IN 46204-1782, Tel: (317) 237-0300, and Fax: (317) 237-1000.

2. Any individuals identified in Enigma's Rule 26 disclosures.

3. To the extent necessary, additional witnesses for authentication of exhibits.
4. To the extent necessary, rebuttal witnesses.

Forethought reserves the right to supplement this list of individuals; to call for the deposition of additional or different witnesses, including without limitation rebuttal or impeachment witnesses; or to present testimony on additional or different subject matters from those set forth above and below if the need for such additional or different witnesses or testimony arises. The general subject matter of information listed for each individual does not in any way limit Forethought's right to question and/or call any individual listed to testify regarding any other subject(s). This disclosure does not include expert witnesses. At this time, Forethought has not retained any experts in connection with this matter. Forethought reserves the right to retain and name expert witnesses, at such time that such information becomes pertinent.

II. DOCUMENTS PERTAINING TO ALLEGED INJURY (FED. R. CIV. P. 26(a)(1)(A)(ii))

Forethought submits the following descriptions of categories of documents in Forethought's possession, custody, or control that might pertain to Forethought's claims as well as Enigma's defenses to those claims:

1. All documents referred to in or attached as exhibits to the pleadings filed in this cancellation proceeding.
2. Any and all documents or materials identified or produced by Enigma, whether formally through disclosure and discovery or informally.
3. Any and all documents or materials identified or produced by Forethought.

4. Any and all relevant documents and materials obtained from a non-party.
5. Any and all reports, supporting documents, materials, and files of expert witnesses, if any.
6. Documents related to the Forethought Marks and the Choice Mark (as that term is defined in the Petition to Cancel filed in this proceeding).
7. Documents related to the Enigma Registration (as that term is defined in the Petition to Cancel).
8. Documents and/or communications that refer, reflect or relate to the use of "Exclusively Fore Thought" by Forethought or Enigma from 2006 to present.

III. COMPUTATION OF DAMAGES (FED. R. CIV. P. 26(a)(1)(A)(iii))

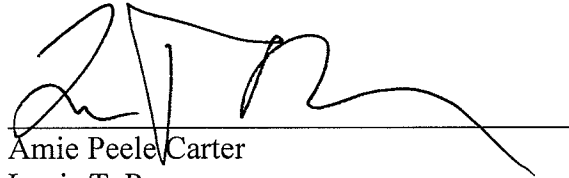
Forethought states that Fed. R. Civ. P. 26(a)(1)(A)(iii) is not applicable in this cancellation proceeding. Forethought is not making any claims for damages in this cancellation proceeding.

IV. INSURANCE (FED. R. CIV. P. 26(a)(1)(A)(iv))

Forethought states that Fed. R. Civ. P. 26(a)(1)(A)(iv) is not applicable in this cancellation proceeding.

Respectfully submitted,

Date: October 5, 2009



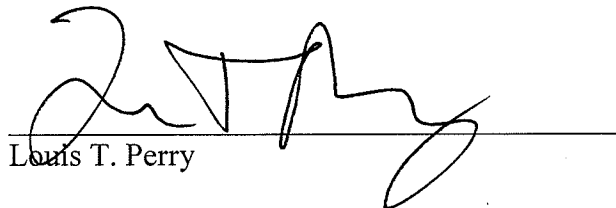
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Attorneys for Petitioner
Forethought Financial Services, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 5, 2009, a copy of the foregoing was served by depositing a true copy of same in a sealed envelope, first-class United States mail, postage prepaid, addressed to:

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Sara R. Bradbury
David S. Klinestiver
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Louis T. Perry