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

Proceeding	92052940
Party	Defendant Smith Abrasives, Inc.
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Date	03/07/2012
Attachments	Respondent's Pretrial Disclosures.pdf (9 pages)(338551 bytes)

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

In the matter of Trademark Registration Nos. 3,617,203; 3,951,563; 3,881,712
Mark: EDGE WARE
Registration date: May 5, 2009

Edgecraft Corporation	:	
	:	
	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92052940
	:	Cancellation No. 92054092
	:	Cancellation No. 92054104
	:	
Smith Abrasives, Inc.	:	
	:	
	:	
Respondent.	:	

RESPONDENT'S PRETRIAL DISCLOSURES

Respondent Smith Abrasives, Inc. ("Smith's") serves the following Pretrial Disclosures on Edgecraft Corporation ("Petitioner") in compliance with 37 CFR 2.121(e) and Federal Rule of Civil Procedure 26(a)(3). These disclosures are based on information reasonably available to Respondent at this time, and Respondent reserves the right to supplement or modify them as additional information is obtained. Continuing investigation and discovery may alter these disclosures.

A. Individuals Respondent Intends to or May Take Testimony from in Support of its Claims or Defenses.

Mr. Dan Glidden
747 Mid-America Blvd.
Hot Spring, AR 71913
501-701-5946

Mr. Richard Smith
747 Mid-America Blvd.

Hot Spring, AR 71913
501-701-5945

Mr. Mark Adkison
747 Mid-America Blvd.
Hot Spring, AR 71913
501-701-5944

Ms. Melissa Moore
747 Mid-America Blvd.
Hot Spring, AR 71913
501-701-5950

Mr. Russ Cowen
747 Mid-America Blvd.
Hot Spring, AR 71913
501-701-5950

Ms. Johnette Hardin
747 Mid-America Blvd.
Hot Spring, AR 71913
501-701-5950

Mr. Bill DeLoache
3022 Vanderbilt Place
Nashville, TN 37212
615-352-2082

These individuals are employees of or are associated with Respondent and have knowledge of Respondent's adoption of the EdgeWare mark, usage of the EdgeWare mark, the relevant market, the relevant trade channels, Respondent's position in the marketplace, competitors, and alleged confusion incidents between Respondent's and Petitioner's marks. Mr. Glidden additionally has knowledge of the documents produced by Respondent during discovery.

Employees of Petitioner have knowledge of Petitioner's use of the mark EDGE-CRAFT, the relevant market and the relevant trade channels.

The following individuals have knowledge of the relevant marketplace and the

circumstances surrounding alleged instances of actual confusion and/or likelihood of confusion between Respondent's and Petitioner's marks.

Andrea Shelley
1331 N. California Boulevard, Suite 320
Walnut Creek, CA 94596
925-676-1300 ext. 136

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Creed Bearden
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972-624-8442
214-454-4027

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Patti Surguine
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197 E. Granada Blvd.
Ormond Beach, FL 32176
386-677-0470

Susan H. Mathews
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Eric M. Soss
Buzz Electronics
1402 Coney Island Ave.
Brooklyn, NY 11230

631-269-6656

Youlia Chashchina/Masha Shikalova
2-ya ulitsa Enturziastove, d. 5 kor. 11
111024 Moscow
Russia

The following are third party users of marks containing the word “edge” who have knowledge of their own use of “edge” marks, the relevant market, relevant trade channels, and the lack of confusion in the marketplace between Petitioner’s and Respondent’s marks:

Clay Allison
Wicked Edge USA
3 Caliente Road, Suite 8
Santa Fe, NM 87508

Benton Dale
EdgePro, Inc.
1082 Tucker Road
Hood River, OR 97031

Klawhorn Industries, Inc.
Chris Jurey
465 South Boulevard
Wadsworth, OH 44281

Taylor Brands, LLC
Morgan Taylor
1043 Fordtown Road
Kingsport, TN 37663

Great American Tool Company, Inc.
John R. Anthon
665 Hertel Avenue
Buffalo, NY 14207

United Security Seals, Inc.
Daniel Sander
2000 Fairwood Avenue
Columbus, OH 43207

Bettcher Industries
Geoffrey D. Rapp
6801 State Route 60

Birmingham, OH 44816

Edgemaster Franchising
Jon A. Holmquist
995 Morningside Drive Southeast
Salem, OR 97302

Darex, LLC
Hank O'Dougherty
378 Terrace Street
Ashland, OR 97520

Ms. Janet Shen
YE & YK Enterprise, Inc.
22353 S. Western Ave., #203
Torrance, CA 90501

The Ultimate Edge, Inc.
Richard W. Axelrod
3435 Ocean Park Blvd., #107
Santa Monica, CA 90405

B. A Summary of Documents and Things that Respondent Intends to Introduce in Support its Claims or Defenses.

Categories of documents that may be used to support Respondent's defenses and/or any claims include the following:

U.S. Registration No. 3,644,817, for the mark "EdgeSport" for "electric knife sharpeners; electric scissor sharpeners; power operated sharpeners" in class 7 and "hand tools, namely, knife sharpeners; hand-operated sharpening tools and instruments; knife sharpeners; manually operated sharpeners; sharpening rods; sharpening steels; sharpening stones; whetstones" in Class 8.

U.S. Registration No. 3,536,030, for the mark "EdgeSmith" for "educational services, namely, conducting informal on-line programs and in-store presentations in the fields of manual and electric sharpening for knives, scissors and other tools, and printable materials distributed

therewith; providing training to certify instructors and retail store personnel in the field of manual and electric sharpening for knives, scissors and other tools” in class 41.

U.S. Registration No. 3,327,839, for the mark “The Edge Experts” for “electric knife sharpeners; power operated sharpeners” in class 7 and “hand tools, namely, knife sharpeners; hand-operated sharpening tools and instruments; knife sharpeners; manually operated sharpeners; sharpening stones; whetstones” in Class 8.

U.S. Registration No. 3,649,903, for the mark “Smith’s The Edge Experts” (with design) for “electric knife sharpeners; electric scissor sharpeners; power operated sharpeners” in class 7 and “hand tools, namely, knife sharpeners; hand-operated sharpening tools and instruments; knife sharpeners; manually operated sharpeners; sharpening rods; sharpening stones; whetstones” in Class 8.

U.S. Registration No. 3,583,339, for the mark “Diamond Edge Gourmet” for “electric knife sharpeners; electric scissor sharpeners; power operated sharpeners” in class 7 and “hand-operated sharpening tools and instruments; knife sharpeners; manually operated sharpeners; sharpening wheels for knives and blades” in Class 8.

U.S. Registration No. 3,354,667, for the mark “Diamond Edge Pro” for “electric knife sharpeners; power operated sharpeners” in class 7 and “hand tools, namely, knife sharpeners; manually operated sharpeners” in Class 8.

U.S. Registration No. 4,029,120, for the mark “Edge Work” for “hand tools, namely, knife sharpeners; hand-operated sharpening tools and instruments; knife sharpeners; manually operated sharpeners, sharpening rods; sharpening steels; sharpening stones; sharpening wheels for knives and blades; whetstones” in Class 8.

U.S. Registration No. 3,498,030, for the mark “Knowledge” for “educational services,

providing live in-store presentations and conducting informal on-line programs in the fields of manual and electric sharpening for knives, scissors and other tools, and printable materials distributed therewith accessible by print, video, internet and dvd” in Class 41.

U.S. Registrations for third party marks including the following: “Edge King” – Reg. No. 2,072,824; “Edgemaster” – Reg. No. 3,654,168; “Edge-Vision” – Reg. No. 3,831,397; “Edgemaker” – Reg. No. 1,380,139; “Edgemaker Pro” – Reg. No. 1,565,533; “The Ultimate Edge” – Reg. No. 2,071,066; “Edgemaster Mobile Sharpening” – Reg. No. 3,650,897; “EdgeWorld” – Reg. No. 3,241,093; and “Advant-Edge” – Reg. No. 3,540,295.

All USPTO files with respect to the above-listed Smith’s marks, any other Smith’s marks, and for every other trademark in which the word “edge” is used.

Documents and things showing the use by third parties of marks that include the word “edge”.

Documents and things showing Petitioner’s use of its EDGE-CRAFT mark in the United States.

Documents and things showing Respondent’s use of its EDGEWARE mark in the United States.

Photographs, documents, and other things showing (1) Petitioner’s and Respondent’s products co-located in retail situations; (2) Petitioner’s products in retail situations; and (3) Respondent’s products in retail situations.

Documents, photographs, and other materials showing Petitioner’s use of “Chef’s Choice”.

Documents showing and/or listing the retail locations of Petitioner’s and Respondent’s goods showing the marks.

Documents and things showing the lack of any confusion between Petitioner's and Respondent's marks.

Documents and things showing Respondent's intent in the adoption of the EDGEWARE mark.

Documents and discovery responses produced by Petitioner during discovery.


Documents produced by Respondent during discovery.

Discovery deposition transcripts.

Affidavits from third party users of marks with the term "edge" in them.

Respectfully submitted,

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By: 
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Arkansas Bar No. 92231

Attorneys for Respondent
Smith Abrasives, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Initial Disclosures was sent to the following persons via U.S. Mail, with a courtesy copy by electronic means, on this 7th day of March, 2012:

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Kathryn Bennett Perkins