

ESTTA Tracking number: **ESTTA472804**

Filing date: **05/16/2012**

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

Proceeding	92054700
Party	Defendant OOH LA LA LLC
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Date	05/16/2012
Attachments	Ooh_La_La_Initial_Disclosures_(-700)_.pdf (5 pages)(26341 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

To the Assistant Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

In the Matter of Registration No. 3162391
Filed: November 18, 2005
Mark: OOH LA LA
Published in the *Official Gazette* dated August 8, 2006

OOH LA LA! JEWELRY and)
ACCESSORIES, INC., a Florida)
corporation, AMY TURNER and TAMMY)
KIPP,)
)
Petitioners,)
)
v.)
)
OOH LA LA, LLC, an Alabama limited)
liability company, KENNETH R. MACARO)
and TRACI MACARO,)
)
Registrants.)

Cancellation No.: 92054700

CERTIFICATE OF MAILING

I hereby certify that the original of this filing is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office through the web site at <http://estta.uspto.gov> on May 16, 2012.

/s/ David R. Burkholder

David R. Burkholder

REGISTRANTS' INITIAL DISCLOSURES

Registrants, OOH LA LA, LLC, Kenneth R. Macaro, and Traci Macaro (hereinafter "Registrants"), by and through their undersigned counsel and pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, hereby submit the following initial disclosures. Pursuant to

Rule 26(c) of the Federal Rules of Civil Procedure, Registrants reserve the right to supplement the disclosures made herein.

I. Preliminary Statement

These disclosures are based upon facts currently known to Registrants. They reflect only the current state of knowledge, understanding, and belief of Registrants with respect to the disclosed subjects. Discovery in this matter has not yet begun and Registrants have not yet completed their investigation of all the facts and circumstances relating to this action.

The disclosure of witnesses, documents, electronically stored information and tangible things should not be construed as an admission that any testimony offered by such witnesses or evidence derived from such documents, etc., are relevant or admissible. Registrants reserve all rights to object on appropriate grounds to any testimony or evidence at any stage of this litigation.

Registrants reserve the right to modify or supplement these disclosures at later stages of this litigation with whatever pertinent information they may subsequently discover, and/or with facts or information omitted as a result of mistake, oversight, inadvertence, or changed circumstances.

II. Initial Disclosures

Rule 26(a)(1)(A)(i), FED. R. CIV. P.

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 or defenses, unless the use would be solely for impeachment.

1. James W. Bryant – as to all statements, claims, allegations and defenses in the Registrants' Answer and Affirmative Defenses to Petition for Cancellation. Contact information currently unknown.

2. Traci Macaro - as to all statements, claims, allegations and defenses in the Registrants' Answer and Affirmative Defenses to Petition for Cancellation. May be contacted through counsel for Registrants.
3. Kenneth R. Macaro - as to all statements, claims, allegations and defenses in the Registrants' Answer and Affirmative Defenses to Petition for Cancellation. May be contacted through counsel for Registrants.
4. Karen Boterus - as to all statements, claims, allegations and defenses in the Registrants' Answer and Affirmative Defenses to Petition for Cancellation. Contact information currently unknown.
5. Amy Turner – as to all claims alleged in the Petition for Cancellation. May be contacted through counsel for the Petitioners.
6. Tammy Kipp - as to all claims alleged in the Petition for Cancellation. May be contacted through counsel for the Petitioners.

In addition to the individuals disclosed above, Registrants hereby incorporate and adopt the disclosures set forth in Petitioners' Rule 26(a)(1)(A) Initial Disclosures. Expert witnesses will be disclosed at a later date pursuant to the schedule set by the Court.

Rule 26(a)(1)(A)(ii), FED. R. CIV. P.

A copy – or 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 to support its claims or defenses, unless the use would be solely for impeachment.

1. Documents in support of statements, claims, allegations and defenses in Registrants' Answer and Affirmative Defenses to Petition for Cancellation. These documents include, but are not limited to, examples of use and advertising of the trademark in question and copies of correspondence and documents associated with registration of

the trademark in question. Said documents and things in Registrants' possession, custody, or control that Registrants may use to support their case will be made available for inspection at the office of the undersigned or otherwise produced in accordance with applicable rules or as otherwise agreed upon by counsel.

2. Documents refuting Petitioners' statements, claims and allegations contained in the Petition for Cancellation. Said documents and things in Registrants' possession, custody, or control that Registrants may use to support their case will be made available for inspection at the office of the undersigned or otherwise produced in accordance with applicable rules or as otherwise agreed upon by counsel.

Rule 26(a)(1)(A)(iii), FED. R. CIV. P.

A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as 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.

1. N/A.

Rule 26(a)(1)(A)(iv), FED. R. CIV. P.

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 judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

1. N/A.

Dated: May 16, 2012

/s/David R. Burkholder

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of these **INITIAL DISCLOSURES** was mailed to:

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via electronic service on May 16, 2012.

/s/ David R. Burkholder

David R. Burkholder
Of Counsel