

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

The Grove, Inc.,)
Plaintiff)
)
vs)
)
)
Happy Guests International, Inc.)
Defendant)
)
_____)

74436438

Cancellation No. 92/056351
Registration No. 1,892,441

**PLAINTIFF, THE GROVE, INC.'S INITIAL DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and the Scheduling Order, Plaintiff The Grove, Inc. ("The Grove"), through its undersigned counsel, makes the following initial disclosures to defendant in the above-referenced lawsuit. These disclosures are based on information presently known and reasonably available to The Grove and which The Grove reasonably believes it may use in support of its claims. Continuing investigation and discovery may cause The Grove to amend these initial disclosures, including by identifying other potential witnesses, documents and by disclosing other pertinent information. The Grove therefore reserves the right to supplement these initial disclosures.

By providing these initial disclosures, The Grove does not represent that it is identifying every document, tangible thing or witness possibly relevant to this action. In addition, these disclosures are made without The Grove in any way waiving its right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden, confidentiality, or any other appropriate grounds. Furthermore, these disclosures are not an



admission by The Grove regarding any matter. Each and every disclosure set forth below is subject to the above qualifications and limitations.

1. Individuals Likely To Have Discoverable Information

Individuals likely to have discoverable factual information that The Grove may use to support its defenses and counterclaims in the above-referenced proceedings are Robert L. Ireland, Chief Financial Officer, The Grove, Inc., Westbrook Corporate Center, Suite 500, Westchester, Illinois 60154; tel.: 708-409-3210.

2. Description of Documents

The following enumerates documents, data compilations, and other tangible things in the possession, control or custody of The Grove that plaintiff may use to support its claims:

- a. Results of Internet research of the services rendered by the registrant, defendants herein, Happy Guests International, Inc.
- b. Results of plaintiff's research of defendant's services in Portland, Oregon.
- c. Records of the U.S. Trademark Office relating to examination and registration of defendant's Registration No. 1,892,441.

Plaintiff does not waive any objection to the relevance of any disclosed document or any other objection, including but not limited to, those based upon the attorney-client privilege, work product doctrine or confidentiality. Plaintiff reserves the right to further identify other documents including but not limited to, all documents listed or identified by other parties or disclosed by further discovery.

3. Computation of Damages

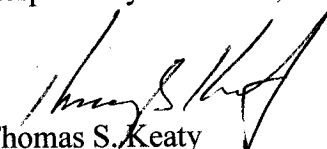
The Grove does not seek any damages but seeks cancellation of Reg. No. 1,892,441.

4. Insurance

The Grove is unaware of an insurance agreement under which any persona carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated:

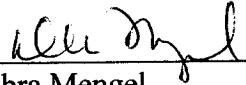
Respectfully submitted,



Thomas S. Keaty
Reg. No. 27,038
Keaty Law Firm, LLC
365 Canal St., Suite 2410
New Orleans, Louisiana 70130
(504) 524-2100
Attorney for Plaintiff

CERTIFICATE OF SERVICE

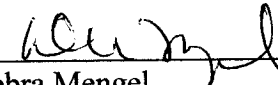
One copy of the foregoing PLAINTIFF, THE GROVE, INC'S INITIAL DISCLOSURES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1), has been mailed in a postage prepaid envelope deposited in a box under the custody of the U.S. Postal Service this day January 31, 2013 to Kevin Costanza, SEED IP Law Group PLLC, 701 Fifth Ave., Suite 5400, Seattle, WA 98104.



Debra Mengel

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, MS: TTAB on January 31, 2013.



Debra Mengel