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

Proceeding	92072535
Party	Defendant KBCO Distributors
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAXWILL, LLC, Petitioner, v. KBCO DISTRIBUTORS, Registrant.	Cancellation No. 92072535 Mark: KICKFIX Int'l Class: 028 Reg. No.: 5771503 Filed: August 29, 2018 Registered: June 4, 2019
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REGISTRANT'S INITIAL DISCLOSURES

Pursuant to Trademark Rule 2.120(a)(3) and Rule 26(a)(1) of the Federal Rules of Civil Procedure, Registrant KBCO Distributors (“Registrant”) makes the following Initial Disclosures to Petitioner Maxwill, LLC (“Petitioner”). These disclosures are based on information reasonably available to Registrant at this time. Registrant reserves the right to supplement or modify these disclosures.

Registrant’s disclosures represent a good-faith effort to identify discoverable information that Registrant currently reasonably believes it may use to support his claims or defenses as required by Fed. R. Civ. P. 26(a)(1). These disclosures do not include information that may be used solely for impeachment purposes. In addition, these disclosures do not include witnesses, information, or documents that may be revealed through discovery. By making the following disclosures, Registrant does not represent that it is identifying each and every document, tangible thing, or witness possibly relevant to this proceeding.

Registrant’s disclosures are made without waiving, in any way: (1) any claim of privilege or work product; (2) the right to object on the grounds of competency, relevancy, materiality, hearsay, or any other proper ground, to the use of any such information for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (3) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures. Finally, these disclosures do not identify or otherwise include information concerning experts, as this subject is not covered by Fed. R. Civ. P. 26(a)(1). All of the disclosures set forth below are made subject to the above qualifications.

A. DISCLOSURE OF INDIVIDUALS

The initial disclosures requirements of Rule 26(a)(1)(A) are expressly limited to the identification of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment. Registrant reserves the right to supplement or amend his identification of individuals under Rule 26(a)(1)(A):

NAME	ADDRESS	SUBJECT OF INFORMATION
Ryan King	Contact through undersigned counsel	Mr. King may have information regarding the following: The information set forth in the Answer. Adoption, ownership, and nature of use of the mark KICKFIX, the goods offered in connection with the mark, dates of first use of the mark, advertising and promotion of the mark, trade channels and class(es) of consumers for goods offered in connection with the mark, advertising and promotion of the mark and goods thereunder, and sales and advertising for goods

		offered and sold in connection with the mark.
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Registrant's investigation to identify persons likely to have discoverable information that Registrant may use to support his claims or defenses is ongoing. Accordingly, Registrant reserves the right to identify and rely on additional witnesses and topics.

B. DISCLOSURE OF DOCUMENTS AND THINGS

The initial disclosure requirements of Rule 26(a)(1)(B) are expressly limited to documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment. Registrant reserves the right to supplement or amend the items identified under Rule 26(a)(1)(B), if necessary, at a later time, or to supplement it through the course of discovery in this proceeding.

The following are categories of documents, data compilations, and tangible things that Registrant may use to support its claims:

- a. Documents regarding adoption and ownership of the KICKFIX mark;
- b. Documents regarding the nature and manner of use of the KICKFIX mark;
- c. Documents regarding the goods and services offered in connection with the KICKFIX mark;
- d. Documents regarding the trademark registration application for the KICKFIX mark;
- e. Documents pertaining to sales and advertising for goods and services offered and sold in connection with the KICKFIX mark;
- f. Representative advertising and promotional materials showing use of the KICKFIX mark; and

g. Documents regarding trade channels and class(es) of consumers for goods and services offered in connection with the KICKFIX mark.

Registrant's search for relevant documents is ongoing. Many of the documents date back several years, may be in the possession of third-parties, or otherwise may be difficult and therefore take some time to locate. Accordingly, Registrant reserves the right to amend and/or supplement its disclosure of documents as they become available.

Dated: April 27, 2020

Respectfully Submitted,

By: /s/ Michael L. Bartholomew
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Attorney for Registrant,
KBCO Distributors

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2020, I served the foregoing REGISTRANT'S INITIAL DISCLOSURES on Petitioner's counsel of record by email as follows:

Kimberly Korn, Esq. – kimberlykornesq@aol.com

By: / Michael L. Bartholomew/
Michael L. Bartholomew