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

Proceeding	92072535
Party	Plaintiff Maxwill LLC
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Date	04/26/2020
Attachments	initialdiscolosuremaxwill.pdf(98077 bytes)

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

Maxwill, LLC.,

Opposer,

Cancellation No. 92072535

Mark: KICKBANDS: Serial No. 87523433

KBCO Distributors

Applicant,

OPPOSER'S INITIAL DISCLOSURES

Pursuant to Trademark Rule 2.120(a)(3) and Rule 26(a)(1) of the Federal Rules of Civil Procedure, Maxwill, LLC ("Opposer") makes the following Initial Disclosures to KBCO Distributors ("Applicant"). These disclosures are based on information reasonably available to Opposer at this time. Opposer reserves the right to supplement or modify these disclosures. Opposer's disclosures represent a good-faith effort to identify discoverable information that Opposer currently reasonably believes it may use to support its claims 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, Opposer does not represent that it is identifying each and every document, tangible thing, or witness possibly relevant to this proceeding. Opposer'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 2 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. Opposer reserves the right to supplement or amend its identification of individuals under Rule 26(a)(1)(A).

NAME	ADDRESS	SUBJECT OF INFORMATION
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	Opposer and its adoption, ownership, and registration of Opposer’s KICKBANDS Mark.
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	The use of Opposer’s KICKBANDS Mark.
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	The strength and recognition of Opposer’s KICKBANDS Mark.
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	The enforcement of Opposer’s KICKBANDS Mark.

Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	Sales figures and advertising expenditures for goods offered and sold in connection with Opposer's KICKBANDS Mark.
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	Advertising and promotion of Opposer's KICKBANDS Mark and goods offered therewith.
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	Trade channels and classes of consumers for goods offered in connection with the Opposer's KICKBANDS Mark.
Michael Heu	Maxwill, LLC 2214 Westmoreland Ct., Walnut Creek, California, 95496	Information related to the production, manufacturing and/or development of KICKBANDS products embodying their trademark.

Opposer's investigation to identify persons likely to have discoverable information that Opposer may use to support its claims is ongoing. Accordingly, Opposer 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. Opposer 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. At present, Opposer has identified the following documents, data compilations, and tangible things that are in its possession, custody, or control that Opposer may use to support its claims and defenses:

DESCRIPTION OF DOCUMENTS	LOCATION
Documents regarding Opposer and its adoption and ownership of its KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025
Documents regarding the use of Opposer's KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025
Documents regarding the trademark application, approval and registration of the KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025
Documents regarding the strength and public recognition of Opposer's KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025
Documents pertaining to sales figures and advertising expenditures for goods offered and sold in connection with Opposer's KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025
Representative advertising and promotional materials and website printouts showing use of Opposer's KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025
Documents regarding the trade channels and class(es) of consumers for goods offered in connection with Opposer's KICKBANDS Mark.	Will be made available for inspection and copying at the offices of Kimberly Korn, Esq., 275 West 96 th Street, Suite 32D, New York, NY 10025

Opposer's search for relevant documents is ongoing. Accordingly, Opposer reserves the right to amend and/or supplement its disclosure of documents as they become available.

Dated: April 20, 2020

Respectfully submitted,

/kimberlykorn/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Opposer's Initial Disclosures was served by email on this 26th day of April 2020 on counsel for Applicant:

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