

ESTTA Tracking number: **ESTTA1215613**

Filing date: **06/15/2022**

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

Proceeding no.	92073334
Party	Plaintiff Great Knives Manufacture Co., Ltd.
Correspondence address	DANIEL I SCHLOSS GREENBERG TRAUIG LLP ONE VANDERBILT AVENUE NEW YORK, NY 10017 UNITED STATES Primary email: schlossd@gtlaw.com Secondary email(s): biancoc@gtlaw.com, nytmdkt@gtlaw.com 212-801-2256
Submission	Testimony For Plaintiff
Filer's name	Daniel I. Schloss
Filer's email	schlossd@gtlaw.com, biancoc@gtlaw.com
Signature	/Daniel I. Schloss/
Date	06/15/2022
Attachments	L Schwartz Rebuttal Testimony Decl.pdf(659748 bytes )

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

**In the Matter of Registration No. 5,829,055**

**Mark: GOLDEN EAGLE**

Great Knives Manufacture Co., Ltd.	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92073334
	:	
Universal Sewing Supply, Inc.	:	
	:	
Respondent.	:	
	:	
-----X		

**REBUTTAL TESTIMONY DECLARATION OF LONNY SCHWARTZ**

LONNY SCHWARTZ, pursuant to 28 U.S.C. §1746 and 37 C.F.R § 2.20, does hereby declare as follows:

1. I have reviewed the Testimony Declaration of Philip Samuels (“Samuels Declaration”) filed by Respondent in this proceeding [TTABVUE 37].
2. In Paragraph 8 of the Samuels Declaration, Mr. Samuels states that, during a conversation that I had with him in the Fall of 2019, he told me that “if [I] believed [Petitioner] GKM was the first user, [I] was mistaken because Universal Sewing had been using the name GOLDEN EAGLE for nippers for many years prior in the United States.”
3. In fact, Mr. Samuels never told me that I was mistaken in my belief that Respondent Universal Sewing had acted wrongly in applying to register the trademark GOLDEN EAGLE, or in my belief that Petitioner had used the trademark GOLDEN EAGLE in the United States before Respondent did.



4. Mr. Samuels also never told me that he believed that Respondent had been using the trademark GOLDEN EAGLE prior to Petitioner's use.

5. The undersigned declares, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of June 2022 at Sag Harbor, New York.

A handwritten signature in blue ink, appearing to read "Lonny Schwartz", is written over a horizontal line. The signature is stylized and cursive.

Lonny Schwartz

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of June 2022 the foregoing document was served upon Respondent's counsel of record by delivering same via electronic mail to [julie.scheipeter@stinson.com](mailto:julie.scheipeter@stinson.com), [scott.eidson@stinson.com](mailto:scott.eidson@stinson.com).

/Daniel I. Schloss/  
Daniel I. Schloss