

ESTTA Tracking number: **ESTTA1342560**

Filing date: **02/26/2024**

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

Proceeding no.	92083154
Party	Defendant VSWC LLC
Correspondence address	WALTER CLEMENTS VSWC LLC 1148 WESLEY AVENUE EVANSTON, IL 60202 UNITED STATES Primary email: walter@meta.wine 773-368-0101
Submission	Other Motions/Submissions
Filer's name	Walter Clements
Filer's email	walter@meta.wine
Signature	/Walter Clements/
Date	02/26/2024
Attachments	VSWC LLC INITIAL DISCLOSURES.pdf(109810 bytes)

**N THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
In the Matter of Registration No. 5,617,930
For the mark: META WINE
Registered: November 27, 2018**

Metabev LLC)	
)	
)	
Petitioner,)	
)	Cancellation No. 92083154
)	Reg. No. 5617930
vs.)	
)	
VSWC LLC)	
)	
Respondent.)	
_____)	

VSWC LLC’S INITIAL DISCLOSURES

Respondent VSWC LLC (“Respondent”) provides the following initial disclosures under FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1), Rule 2.120 of the Trademark Rules of Practice, 37 C.F.R. § 2.120, and the Board’s order of December 20, 2023. Respondent bases these initial disclosures on information reasonably available to it as of the date below. Respondent reserves the right to supplement, alter, or amend these disclosures as discovery progresses and as further information becomes available through its ongoing investigation or discovery. Furthermore, Respondent reserves the right to further supplement, alter, or amend these initial disclosures at appropriate intervals as provided for in FEDERAL RULE OF CIVIL PROCEDURE 26(e)(1). Supplemental disclosures will be made to the extent that they are not mooted by future discovery responses or have not otherwise been made known to METABEV LLC (“Petitioner”) during the discovery process or in writing.

By making these initial disclosures, Respondent is not waiving its right to object to the production of such documents, or testimony of such witnesses, on any ground, including, without limitation: (1) on the basis of privilege or work product protection; (2) on the ground that the information sought is not relevant to the subject matter of this proceeding; and/or (3) on the ground that the information sought is not proportional to the needs of the case.

Further, Respondent is not making a representation that it has identified every document, tangible thing, or witness that may possibly be relevant to this proceeding. These disclosures represent a good faith effort to identify information that Respondent reasonably believes is called for by Federal Rule of Civil Procedure 26(a)(1).

I. KNOWLEDGEABLE INDIVIDUALS (FED. R. CIV. P. 26(a)(1)(A)(i)).

As required by Federal Rule of Civil Procedure 26(a), Respondent hereby identifies the following persons who are likely to have discoverable information that Respondent may use to support its claims. Respondent is informed and believes that there are potentially other persons who may possess discoverable information that Respondent may use to support its claims. Discovery is continuing and Respondent reserves the right to designate such persons as witnesses as they become known to Respondent.

Name	Address and Telephone Number	Subject of Information
Walter Clements CEO VSWC LLC d/b/a Meta Wine	1148 Wesley Ave. Evanston, IL 60202 (773)368-0101	Background and history of the Respondent, and the adoption, registration and use of META WINE mark; products and/or services offered in connection with META WINE mark; manner and use, and planned use, of META WINE mark; marketing and/or advertising of products and/or services offered, or to be offered, in connection with

		META WINE mark; customers of the products and/or services offered, or to be offered, in connection with META WINE mark; matters relating to Respondent's alcoholic beverage licenses; matters relating to the specimen of use and all other matters contained in Respondent's trademark application; matters relating to the advertising and marketing of good and services under META WINE mark. All other matters relating to META WINE mark.
Roby Wilson President Metabev LLC	c/o Hank Fasthoff 21 Waterway Ave. Suite 300 The Woodlands, TX 77380 713.929.9314	Background and history of Petitioner, and the adoption and use of Petitioner's mark; The products and services planned to be offered, rendered, and sold in connection with the Petitioner's mark; Sales, advertising, and promotion for products and services planned to be offered in connection with the Petitioner's mark; Trade channels and classes of consumers for products and services planned to be offered in connection with the Petitioner's mark.

II. RELEVANT NON-PRIVILEGED DOCUMENTS (FED. R. CIV. P. 26(a)(1)(A)(ii)).

Subject to the qualifications set forth above, Respondent discloses the following categories of documents, data compilations, and tangible things that are in its possession, custody, or control that it may use to support its claims. The following documents are located with Respondent at the offices of VSWC LLC, 1148 Wesley Avenue, Evanston, Illinois 60202.

1. Copies of Respondent's United States trademark filings and submissions to the United States Patent & Trademark Office ("USPTO"), publicly available and/or located with Respondent;

2. Copies of Petitioner's United States trademark filings and submissions to the USPTO, publicly available and/or located with Petitioner;
3. Documents relating to Respondent's use of the META WINE mark, located with Respondent;
4. Documents relating to Partitioner's use of the META mark, located with Petitioner;
5. Documents relating to Respondent's advertising and promotion of goods and services offered under the META WINE mark, located with Respondent;
6. Documents relating to Petitioner's advertising and promotion of goods and services offered under the META mark, located with Petitioner;
7. Documents relating to Respondent's consumers and channels of distribution of goods and services offered under the META WINE mark, located with Respondent;
8. Documents relating to Petitioner's consumers and channels of distribution of goods and services offered under the META mark, located with Petitioner;
9. Documents relating to Respondent's original and first use in United States commerce of the META WINE mark, located with Respondent;
10. Documents relating to Respondent's continuance of use of the META WINE mark, located with Respondent;
11. Documents relating to the advertising and marketing of goods and services under the META WINE mark;
12. Documents relating to Respondent's alcoholic beverage licenses and permits;
12. Documents relating to the alcoholic beverage and sales taxes that Respondent has received and/or paid or failed to pay; and
13. Correspondence between Petitioner and Respondent relating to the claims asserted in this proceeding, located with Petitioner and Respondent.

To the extent that any of these documents are proprietary, trade secret, and/or confidential, Respondent will make them available pursuant to the Board's standard

protective order. Respondent reserves the right to amend or supplement this disclosure.

Respondent notes that the initial disclosures required by Fed. R. Civ. P. 26(a)(1)(A)(iii) (relating to computation of damages) and Fed. R. Civ. P. 26(a)(1)(A)(iv) (relating to insurance agreements) are not applicable to this proceeding.

Respectfully submitted,

By: /Walter Clements/
Walter Clements, Respondent

Walter Clements
Respondent
1148 Wesley Avenue
Evanston, IL 60202
Telephone: (773) 368-0101
Email: walter@meta.wine

CERTIFICATE OF ONLINE SUBMISSION

I certify that a true and correct copy of the foregoing was filed online with the Trademark Trial and Appeal Board using ESTTA, this 26th day of February, 2024.

By: /Walter Clements/
Walter Clements, Respondent

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served per agreement electronically via e-mail this 26th day of February, 2024 to the following person(s).

Counsel for Petitioner:

Hank Fasthoff, Esq.
Fasthoff Law Firm, PLLC
21 Waterway Avenue
Suite 300
The Woodlands, Texas 77380

Phone: 713 929 9314
Email: hank@fasthofflawfirm.com

By: /Walter Clements/
Walter Clements, Respondent