

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: September 15, 2003

Opposition No. 91151109

MARK D. TANNEN

v.

MACK, JAY

Frances S. Wolfson, Interlocutory Attorney:

Good cause having been shown, opposer's motion (filed August 11, 2003) to extend his time to file responses to applicant's first set of interrogatories and requests for production of documents is granted.¹ Inasmuch as opposer has served its answers to applicant's discovery requests, applicant's motion to compel opposer's responses is moot, except that to the extent applicant seeks responses to its discovery requests without objection, the motion is denied.

It is noted that opposer served objections to applicant's first set of interrogatories on August 25, 2003, objecting to applicant's interrogatories as being beyond the limit allowed under the Trademark Rules (i.e., that they number more than 75). In order to facilitate discovery, the Board has reviewed the interrogatories, finding

¹ The motion has been fully briefed.

that they do not exceed the limit.²

Accordingly, opposer is allowed until THIRTY DAYS from the mailing date of this order to respond to applicant's interrogatories.

Trial dates, including the closing date for discovery, are reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **November 1, 2003**

30-day testimony period for party in the position of plaintiff to close: **January 30, 2004**

30-day testimony period for party in the position of the defendant to close: **March 30, 2004**

15-day rebuttal period for party in the position of the plaintiff to close: **May 14, 2004**

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party **WITHIN THIRTY DAYS** after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

² The Board makes no other finding with respect to the nature of opposer's responses to applicant's discovery requests.