

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

Mailed: June 25, 2005

Opposition No. 91160913

Tiffany (NJ) Inc.

v.

Anthony Siragusa and Michael  
Romanelli

**Thomas W. Wellington,  
Interlocutory Attorney:**

This proceeding now come up on the following: (1) opposer's motion (filed December 1, 2004) to compel discovery responses, and (2) applicants' motion (filed April 4, 2005) for entry of a protective order; and (3) applicants' motion (filed April 4, 2005) to compel discovery responses. The Board has reviewed the parties' arguments and submissions.

On June 14, 2005, at 3:00 p.m. eastern time, the Board convened a telephone conference between Evan Gourvitz, Esq., counsel for opposer, and Scott Charney, Esq., counsel for applicants, and the above-referenced Board attorney responsible for resolving interlocutory matters in this case.

During the telephone conference the parties were able to reach an agreement on several matters. In other matters that the parties were not able to come to an agreement, the Board considered the parties' arguments and submissions in making its decision herein. For sake of expediting matters, this order does not summarize the parties' arguments or submissions but merely sets forth below both the agreements reached between the parties during the telephone conference and the determinations made by the Board after consideration of the arguments and submissions.

**IT IS HEREBY ORDERED THAT:**

1. Protective Order. Applicants' motion for a protective order is granted to the extent that counsel for applicants will prepare an amended copy of the Board's standard protective with amendments thereto and, upon stipulation by the parties, shall file a copy thereof with the Board. The amendments to the standard protective order shall include any previously agreed upon changes and shall also specifically include an amendment that provides "disclosure of information protected under the terms of this order is intended only to facilitate the prosecution or defense of this case, including any direct appeals authorized by 15 U.S.C. Section 1071 a-b." Paragraph 5 of the Board's standard protective agreement will remain unchanged in substance.
2. Privilege Logs. The parties have agreed to exchange privilege logs within seven (7) days from the mailing date of this order. The parties agree that the cut-off date (as to the identification of the privileged documents) shall be the date of the filing of the notice of opposition.
3. Applicants' Motion to Compel. This motion to compel is moot inasmuch as the parties have agreed that applicants will serve an amended first set of interrogatories (Exhibit 4 to applicants' reply

brief dated May 23, 2005) within ten (10) days from the mailing date of this order. Opposer has acknowledged that said amended set of interrogatories does not exceed the amount allowed under Rule 2.120(d)(1) and opposer shall file its responses within thirty days after being served therewith.

4. Opposer's Motion to Compel. Opposer will serve an amended copy of the definition page(s) to its first set of document requests on applicants. Opposer need not re-serve the entire set of document requests. Applicants' counsel has agreed to the proposed amended definition and will supplement its document production within thirty days after being served with the amended definition. Applicants' objection to having to produce a copy or photograph of reviews contained at applicants' restaurants is sustained. Fed. R. Civ. P. 34(b) ["A party who produces documents for inspection shall produce them as they are kept in the usual course of business..."]. However, if these documents are encumbered or behind a glass case, applicants' counsel is ordered to provide opposer's counsel access to these documents for purposes of photocopying or to be photographed. The Board otherwise defers consideration of opposer's motion to compel - should opposer not file any further paper before its testimony period demonstrating a renewed interest in its motion to compel, the Board will presume the issues have been resolved and the motion will be deemed moot.
5. Proceedings herein are resumed. Trial dates, including the close of discovery, are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	September 20, 2005
30-day testimony period for party in position of plaintiff to close:	December 19, 2005
30-dayestimony period for party in position of defendant to close:	February 17, 2006
15-day rebuttal testimony period to close:	April 3, 2006

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.

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