

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

BIG O TIRES, INC.,	)	OPPOSITION No:	91163791
	)		
Opposer,	)	SERIAL No:	78/264,260
	)		
v.	)		
	)		
WHEEL SPECIALTIES, LTD.	)		
	)		
Applicant.	)		



08-08-2005  
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

**APPLICANT'S OPPOSITION TO OPPOSER'S  
MOTION FOR EXTENSION OF TIME**

Applicant, Wheel Specialties, Ltd., by its attorneys, hereby opposes Opposer's motion for a two month extension of the discovery period and all trial dates for the following reasons.

Contrary to what Opposer alleges in its motion, Applicant produced documents in response to Opposer's First Request for Production of Documents by first class mail on July 29, 2005. Also Applicant served written discovery on Opposer on the same date. See copy of Applicant's attorney's letter dated July 29, 2005 to Opposer's attorney sending them Applicant's document production and written discovery requests.

Moreover, it should be pointed out that the only time Opposer's attorney contacted Applicant's attorney requesting that documents be produced was by letter dated August 1, 2005, which was not received by Applicant's attorney until August 4, 2005, after the discovery period had closed on August 1, 2005. A copy of this letter is also enclosed. Had

Opposer's attorney called Applicant's attorney before filing Opposer's motion on August 1, 2005, Applicant's attorney would have so advised Opposer's attorney of the document production and service of written discovery requests on Opposer on July 29, 2005.

Wherefore, denial of Opposer's motion to extend the discovery period and all trial dates is respectfully requested.

This opposition is submitted in triplicate.

Respectfully submitted,

WHEEL SPECIALTIES, LTD.

By Its Attorneys



Date: August 5, 2005

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Donald L. Otto

Warren A. Sklar

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Attorneys for Applicant

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

this 5<sup>th</sup> day of August, 2005.



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Donald L. Otto

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing  
APPLICANT'S OPPOSITION TO OPPOSER'S MOTION FOR EXTENSION OF  
TIME was served on the following attorney of record for Opposer by  
depositing same in the United States mail, postage prepaid, this 5<sup>th</sup> day of  
August, 2005.

Marsha G. Gentner  
Matthew J. Cuccias  
JACOBSON HOLMAN, PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004



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Donald L. Otto

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July 29, 2005

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Washington, DC 20004

**Re: Big O Tires, Inc. v. Wheel Specialties, Ltd.  
Opposition N<sup>o</sup> 91163791  
Our File WHEL.L0101**

Dear Ms. Gentner:

Enclosed are Applicant's First Set of Interrogatories and First Request for Production of Documents. Please provide us with Opposer's responses to these discovery requests within thirty days hereof pursuant to the Federal Rules of Civil Procedure.

Also enclosed are documents bearing Applicant's Production Nos. WSL 1-249 which are being produced in response to Opposer's First Request for Production of Documents.

Very truly yours,

Donald L. Otto

DLO:jm  
enclosures  
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August 1, 2005

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WHEELTODAYS

Re: Opposition No. 163,791  
Big O Tires, Inc. vs. Wheel Specialties, Ltd.  
BIGG WHEELS – Serial No. 78/264,260  
Our Reference: 11386/I-5156

Dear Mr. Otto:

We note that Applicant has not produced documents despite the statement in its responses that documents would be produced. Additionally, Applicant referred to its document production in responding to at least one of Opposer's interrogatories. Accordingly, please forward Applicant's document production to us immediately.

Very truly yours,

Matthew J. Cuccias

