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

Proceeding	91184529
Party	Defendant Global Tissue Group, Inc.
Correspondence Address	R. Glenn Schroeder Hoffman & Baron, LLP 6900 Jericho Turnpike Syosset, NY 11791 UNITED STATES gschroeder@hoffmannbaron.com
Submission	Motion to Compel Discovery
Filer's Name	R. Glenn Schroeder
Filer's e-mail	rgsdocket@hoffmannbaron.com
Signature	/r. glenn schroeder/
Date	11/25/2009
Attachments	Motion and Brief of App. to Compel Discovery.pdf (76 pages)(2410174 bytes)

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

MOTION AND BRIEF OF APPLICANT
GLOBAL TISSUE GROUP, INC. TO COMPEL DISCOVERY

APPLICANT GLOBAL TISSUE GROUP, INC. ("Global Tissue") moves the Board pursuant to Fed. R. Civ. P. 37(a), 37 CFR § 2.120(c) and TBMP §523.01 for an order compelling Opposer Georgia-Pacific Consumer Products LP (Georgia-Pacific) to (a) produce witnesses in response to all six Notices of Deposition; (b) produce the search report directed to the mark "IT'S ALL IN THE QUILTING;" and (c) produce documents from its ongoing proceedings with Kimberly-Clark.

As discussed further hereinbelow, the undersigned counsel certifies pursuant to 37 CFR §2.120(e) that he has made a good faith effort, through conference with counsel for Georgia-Pacific, to resolve the issue presented in this Motion, but has been unable to reach an agreement.

FACTUAL BACKGROUND

Following the Board's most recent decision of September 9, 2009, an Amended Notice of Opposition was filed by Georgia-Pacific and an Amended Answer was filed by Global Tissue. Moreover, a further deposition of Global Tissue's 30(b)(6) designee was conducted on October 23, 2009 in accordance with the Board's order. Following completion of this further deposition, Hoffmann & Baron was retained by Global Tissue, and asked to assume responsibility for the above-referenced Opposition on a going-forward basis.

On November 2, 2009, the undersigned attorney contacted Charlene Marino, counsel for Georgia-Pacific and informed her that Hoffmann & Baron was assuming responsibility for this matter, and that Hoffmann & Baron would be filing a Notice of Appearance. Moreover, Ms. Marino was informed that Hoffmann & Baron would be serving Notices of Deposition directed to the individuals named in the discovery responses received from Georgia-Pacific. Counsel for Global Tissue proposed deposition dates of November 18, 19 and 20, 2009. This conversation was confirmed by email dated November 2, 2009, a copy of which is attached as Exhibit A.

On November 3, 2009, Hoffmann & Baron filed a Notice of Appearance in this proceeding, a copy of which was served upon counsel for Georgia-Pacific (attached as Exhibit B). On November 4, 2009, six Notices of Deposition were served upon counsel for Georgia-Pacific (attached as Exhibit C). The dates set forth in the Notices were the dates proposed to Georgia-Pacific's counsel during the telephone discussion of

November 2, 2009. Each of the individuals noticed were identified in Georgia-Pacific's discovery responses.

In particular, Georgia-Pacific's Initial Disclosures (attached as Exhibit D) identified Andrew Towle and David Sayyed under Rule 26(a)(1)(A)(i) as individuals likely to have discoverable information. Georgia-Pacific's Response to Applicant's Interrogatories No. 2 (attached as Exhibit E) identified Andrew Towle, Patrick Davis and Thomas Best as the "persons most knowledgeable about the manufacture, marketing, promotion, distribution, advertising and/or sales of any Opposer's products or services bearing Opposer's Marks." Georgia-Pacific's Response to Interrogatory No. 12 (attached as Exhibit F) identified Emily K. Boss, Christine M. Cason and Barbara Edwards as the "person known by Opposer to have supplied information for or participated in responding to these interrogatories and Applicant's First Requests for Production of Documents to Opposer." Accordingly, the five individuals named in Global Tissue's Notices of Depositions were persons identified by Georgia-Pacific itself in its responsive papers.

In addition to the five individuals, Global Tissue served a request for a 30(b)(6) deposition. Global Tissue's counsel advised Ms. Marino during the telephone conversation of November 2 that these individual depositions would likely be short in duration, and in fact noticed several of the depositions as half-day depositions. Moreover, counsel for Global Tissue advised Ms. Marino that once Georgia-Pacific designated its 30(b)(6) witness, it would likely not be necessary to depose that same person on an individual basis. In sum, Hoffmann & Baron, having assumed representation of this proceeding on November 2, 2009, promptly advised Ms. Marino of its entry into this case and its intention to notice depositions, and thereafter promptly

served such Notices of Deposition upon Georgia-Pacific. Counsel for Global Tissue also made clear to Ms. Marino that he would work to accommodate the schedule of Georgia-Pacific's personnel, and that he would conduct these depositions in the most efficient manner possible.

Ms. Marino advised the undersigned attorney on November 5, 2009 that not one of the named individuals or a 30(b)(6) designee was available during the remaining month of the discovery period, but that Andrew Towle would be available on December 3, 2009 in a 30(b)(6) capacity, one day after the close of discovery. Ms. Marino further advised the undersigned attorney that Georgia-Pacific believed that noticing six depositions was unreasonable, but that Georgia-Pacific would agree to produce a 30(b)(6) witness, as well as one other witness, both outside of the discovery period. Finally, Ms. Marino advised the undersigned attorney that Georgia-Pacific was not willing to extend the discovery period.

Global Tissue refused to accept Georgia-Pacific's proposal, and insisted that Global Tissue was entitled to depose all of the named individuals. After reminding Ms. Marino that the named individuals were the same persons identified in Georgia-Pacific's responses, counsel for Global Tissue requested that Ms. Marino confirm with her client whether or not they would be willing to produce all the named individuals, and to provide proposed dates for such individuals. No response was ever received to this request. Accordingly, counsel for Global Tissue telephoned Ms. Marino on November 16, 2009, and followed up by letter dated November 17, 2009, a copy of which is attached as

Exhibit G. A redacted version of Ms. Marino's letter of November 18, 2009 is attached as Exhibit H.[1]

The letters of November 17th and November 18th also discuss Georgia-Pacific's failure to provide a privilege log until November 18, 2009, Georgia-Pacific's failure to identify certain litigation/cancellation proceedings with Kimberly-Clark involving the marks in question, Georgia-Pacific's failure to produce documents from these other proceedings, and Georgia-Pacific's failure to produce a search report directed to one of the cited marks. These points are discussed further hereinbelow.

Counsel for Global Tissue again conferred with Ms. Marino by telephone on November 19, 2009 to confirm that Georgia Pacific was unwilling to consent to a 60-day extension of the discovery period, that Georgia-Pacific was unwilling to produce all six witnesses, and that Georgia-Pacific was unwilling to consent to the filing of an Amended Answer. Global Tissue's counsel was advised that Georgia-Pacific was standing by the positions set forth in its November 18th letter. This discussion was confirmed by letter dated November 20, 2009, a copy of which is attached as Exhibit I.

ARGUMENT

A. Georgia-Pacific must Produce the Noticed Witnesses

As discussed hereinabove, Hoffmann & Baron was retained by Global Tissue following completion of the follow-up deposition of Applicant's 30(b)(6) designee. Upon being retained in this action, Hoffmann & Baron promptly notified Kilpatrick of the change of counsel (Exhibit A), and promptly filed a Notice of Appearance (Exhibit

[1] The dollar figure presented to Georgia-Pacific during settlement discussions is confidential, and should not be made part of the public record.

B). Kilpatrick was advised of the depositions by telephone on November 2, 2009 (Exhibit A), and was served six Notices of Deposition on November 4, 2009 (Exhibit C), leaving the entire month of November and the first two days for scheduling such depositions. Counsel for Global Tissue made clear that he would work around the schedules of the noticed individuals, that depositions would likely be short in duration, and that multiple depositions could likely be taken on the same day. Rather than respond with alternative dates than those suggested by counsel for Global Tissue, Georgia-Pacific simply stated that not one of its witnesses was available during the remainder of the discovery period, i.e., not one witness was available over the next four weeks.

It is clear that the intention of Georgia-Pacific was to "run out" the discovery clock. Accordingly, rather than agree to produce any of its witnesses during the remainder of the discovery period, Georgia-Pacific presented an alternative proposal to Applicant wherein it would produce only two witnesses, and only produce such witnesses after the close of discovery.

Global Tissue declined to accept this offer, and explained that it was clearly entitled to depose the named individuals since these were the very same persons named by Georgia-Pacific in its discovery responses (see Exhibits D, E, and F). Global Tissue argued that it was unreasonable for Georgia-Pacific to not allow Global Tissue the opportunity to question these individuals.

Having identified certain individuals in its discovery responses and having received proper Notices of Deposition served within the discovery period, Georgia-Pacific cannot simply refuse to produce such persons for deposition. Accordingly, it is

respectfully submitted that Georgia-Pacific be compelled to produce the noticed witnesses.

B. Georgia-Pacific must Produce the Identified Search Report

As discussed in the letters attached hereto as Exhibits G and H, Georgia-Pacific has acknowledged that it is in possession of a search report directed to the mark "IT'S ALL IN THE QUILTING," one of the registered marks cited by Georgia-Pacific in this opposition proceeding. Georgia-Pacific has taken the position that the search report is not discoverable because (1) it is privileged; and (2) it is not relevant because it was conducted seven years ago. Neither of these grounds is appropriate.

To begin, the search report is responsive to, at the minimum, Global Tissue Document Request Nos. 1 and 19. A copy of Global Tissue's First Request for the Production of Documents and Things is attached as Exhibit J.

Although comments or opinions provided by an attorney relating to a search report are privileged, it has been held that search reports, per se, do not fall within the attorney-client privilege and must be furnished. *Miles Laboratories, Inc. v. Instrumentation Laboratory, Inc.*, 185 USPQ 432 (T.T.A.B. 1975). In fact, the undersigned attorney advised Ms. Marino of this particular case during their telephone conference of November 19, 2009, and requested that Ms. Marino provide him with any case law to the contrary. To date, no such contrary case law has been received.

Next, the issue of relevance is easily addressed. It is clear that the age of a search report does not make it any less relevant to a proceeding involving the mark covered by

such report. Using Georgia-Pacific's own language from its earlier filed Motion to Compel, the scope of the discovery is governed by FED. R. CIV. P. 26, which provides:

> Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter...Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.

T.B.M.P §402.01. At the discovery stage, relevance is construed liberally and discovery should be generously allowed unless it is clear, beyond any doubt, that the information sought can have no possible bearing upon the issues involved in the particular proceeding. *See Tequila Centinela, S.A. de C.V. v. Bacardi & Co., Ltd.,* 242 F.R.D. 1, 6 (D.D.C. 2007) ("The scope of discovery itself is broad, allowing for discovery regarding any matter, not privileged, relevant to a claim or defense....The term relevance at the discovery stage is a broadly construed term and given very liberal treatment."); *Ralston Purina Co. v. McFarland*, 550 F.2d 967, 973 (4th Cir. 1977) ("We agree...that the deposition-discovery rules are to be accorded a broad and liberal treatment. No longer can the time-honored cry of 'fishing expedition' serve to preclude a party from inquiring into the facts underlying his opponent's case") (internal quotation omitted).

In sum, Georgia-Pacific's refusal to produce the search report obtained in connection with the mark "IT'S ALL IN THE QUILTING" is unfounded. It is respectfully requested that Georgia-Pacific be compelled to produce this search report.

C. Georgia-Pacific must Produce Documents from the Ongoing Kimberly-Clark Proceedings

On being retained in this proceeding and upon beginning its review of the 32,000+ pages of documents produced by Georgia-Pacific in this action, it was discovered that Georgia-Pacific had failed to provide Global Tissue with documents from its ongoing dispute with Kimberly-Clark, such dispute being the subject of both a District Court action Chicago and a cancellation proceeding before the TTAB. The District Court action was originally filed in Atlanta in February of 2009 by Georgia-Pacific, but was subsequently transferred to Chicago upon motion by Kimberly-Clark. The cancellation proceeding was instituted by Kimberly-Clark on September 10, 2009 as Cancellation No. 92051438.

To begin, these documents are responsive to, at the minimum, Global Tissue Document Request Nos. 16, 17, 21 and 22. A copy of Global Tissue's First Request for the Production of Documents and Things is attached as Exhibit J.

When Applicant learned about these proceedings through its own research, it reviewed the documents produced by Georgia Pacific to identify any documents from either of these proceedings. No such documents were uncovered. When questioned about why such documents had not been produced, Georgia Pacific responded that the cancellation had only recently been filed. In fact, the cancellation proceeding had been filed over two months earlier, and Georgia-Pacific has failed to update its discovery responses. Georgia-Pacific further responded that the litigation matter was not responsive to any of Global Tissue's requests. Pages 14-16 of the Amended Complaint (attached as Exhibit K) filed on March 18, 2009 by Georgia-Pacific in the Kimberly-

Clarke litigation would suggest otherwise. In particular, the Amended Complaint prepared by Kilpatrick Stockton actually lists the same marks cited in this opposition proceeding. These points are further discussed in the letters attached as Exhibits G and H.

Georgia Pacific has maintained its position that the documents from these related proceedings are not relevant to this matter, and has continued to refuse to produce such documents. Although Global Tissue recognizes that confidential documents produced by Kimberly-Clark would require Global Tissue to acknowledge the outstanding Protective Order in such proceeding, there is no such limitation on the production of non-confidential documents, including correspondence between the parties. Georgia-Pacific argues that such documents would have no relevance to the present action. This argument is certainly contrary to existing law, particularly the very same law cited by Georgia-Pacific in its earlier filed Motion to Compel, and discussed hereinabove.

Moreover, the Board is respectful directed to Georgia-Pacific's own statement in the above-referenced Cancellation Proceeding No. 92051438 where it states that "Georgia-Pacific's Amended Complaint asserts rights deriving in part from its QUILTED and QUILTED NORTHERN trademarks, which are covered by numerous trademark registrations, including..." (see Pages 2-4 of the Motion to Suspend attached as Exhibit L). It is difficult to understand how Georgia-Pacific can argue to the Board in one proceeding that a particular matter relates to its alleged QUILTED and QUILTED NORTHERN marks, while in this proceeding take the position that this other proceeding does not relate to these alleged marks.

CONCLUSION

For the reasons discussed hereinabove, Global Tissue's Motion should be granted, and the Board should issue an order compelling Georgia-Pacific to produce witnesses in response to all six Notices of Deposition, to produce the requested search report, and to produce responsive documents from the ongoing Kimberly-Clark proceedings.

Dated: November 25, 2009

Respectfully submitted,

Charles R. Hoffmann
R. Glenn Schroeder
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Attorneys for Applicant
Global Tissue Group, Inc.

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 25, 2009, a copy of the foregoing MOTION AND BRIEF OF APPLICANT GLOBAL TISSUE GROUP, INC. TO COMPEL DISCOVERY was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

EXHIBIT A

Schroeder, R. Glenn

From: Schroeder, R. Glenn
Sent: Monday, November 02, 2009 6:45 PM
To: 'cmarino@kilpatrickstockton.com'
Subject: Georgia-Pacific v. Global Tissue Group - Opposition No. 91184529

Charlene:

Thank you for taking the time to speak with me. As I mentioned, our firm has now been retained by GTG to handle the above-referenced opposition on a going forward basis. We will be filing a Notice of Appearance shortly. It is our understanding that discovery is set to close on December 2, 2009. We intend to Notice several depositions, including a 30(b)(6) as well as those individuals identified in your discovery responses, namely Andrew Towle, David Sayyed, Thomas Best and Patrick Davis. I wanted to advise you as soon as possible so that you can check with your client as to the availability of these individuals during the week of November 16. We of course will make every effort to accommodate your client, but it may make sense to attempt to schedule several days back to back. Our initial thought is to schedule 3 days, with the idea that we can finish up sooner. Would November 18, 19 and 20 be convenient? As I also mentioned, we are in the process of reviewing the 32,000 + pages of documents produced by G-P. I will let you know as soon as possible if we have any questions regarding this production.

Thank you in advance for your cooperation.

Regards,

Glenn

R. Glenn Schroeder
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6900 Jericho Turnpike
Syosset, NY 11791
Tel: (516) 822-3550
Fax: (516) 822-3582

EXHIBIT B

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

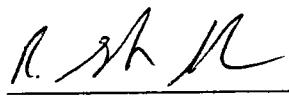
GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF APPEARANCE AND SUBSTITUTION OF COUNSEL FOR APPLICANT

Please take notice that Charles R. Hoffmann and R. Glenn Schroeder of Hoffmann & Baron, LLP, 6900 Jericho Turnpike, Syosset, New York 11791, hereby enter their appearance as new counsel for Global Tissue Group, Inc., Applicant in the above-captioned opposition proceeding. Please direct all future correspondence and papers in this matter to the new counsel for Applicant.

Dated: November 3, 2009

Respectfully submitted,



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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 3, 2009, a copy of this paper was served upon the Opposer by email and by U.S. mail to the following attorney of record:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

EXHIBIT C

HOFFMANN & BARON, LLP

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CHARLES R. HOFFMANN
RONALD J. BARON
DANIEL A. SCOLA, JR.*
SALVATORE J. ABBRUZZESE*
IRVING N. FEIT

R. GLENN SCHROEDER
GLENN T. HENNEBERGER
ANTHONY E. BENNETT
LUDOMIR A. BUDZYN

STEVEN T. ZUSCHLAG†
JOHN S. SOPKO†*

RODERICK S.W. TURNER†
JAMES F. HARRINGTON†

SUSAN A. SIPOS
KEVIN E. MCDERMOTT
ANNA-LISA L. GALLO
ANDREA M. WILKOVICH*
TONY A. GAYOSO
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JON A. CHIODO
ANNA C. CHAU
ANGELA M. COXE*
SEAN R. MACDAVITT
IRENE A. LIPPA
JULIE TABAROVSKY
ALEXANDER G. VODOVOZOV
SANDY ZARADIC

SENIOR COUNSEL
ROBERT NEUNER

SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NY
† SENIOR ATTORNEY

November 4, 2009

Charlene R. Marino, Esq.
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

Re: Georgia-Pacific Consumer Products, LP v. Global Tissue Group, Inc.

Dear Charlene:

Please find enclosed the following documents:

1. Notice of Rule 30(b)(6) Deposition;
2. Notice of Deposition of Patrick Davis;
3. Notice of Deposition of Thomas Best;
4. Notice of Deposition of David Sayyed;
5. Notice of Deposition of Andrew Towle; and
6. Notice of Deposition of Emily K. Boss.

Thank you in advance for your cooperation in this matter.

Very truly yours,

R. Glenn Schroeder

RGS:mak
Enclosures

324425_1.DOC

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF RULE 30(b)(6) DEPOSITION

Notice is hereby given that pursuant to Fed. R. Civ. P. 26 and 30(b)(6) and TBMP Rule 404.5, Applicant GLOBAL TISSUE GROUP, INC. ("Applicant") will take the deposition of Opposer GEORGIA-PACIFIC CONSUMER PRODUCTS, LP ("Opposer") at the offices of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530, on November 18, 2009, at 9:00 a.m., and continuing from day to day until complete. The deposition will be by oral examination, with a written stenographic and/or videographic record made thereof, and shall be taken before an office authorized to administer oaths.

Opposer is directed to designate one or more officers, directors, or representatives to testify regarding the below-identified topics. Applicant incorporates by reference the definitions contained in Applicant's First Set of Interrogatories to Opposer. The term "Opposer's Marks" refers to the marks identified in the Notice of Opposition.

1. Manufacture and quality control of products sold under Opposer's Marks.

2. Advertising and marketing of products sold under Opposer's Marks.

3. Sales of products sold under Opposer's Marks.

4. Searches, investigations, reports and/or opinions directed and/or referring to any of Opposer's Marks.

5. Searches, investigations, reports and opinions disclosing and/or referencing usage by third parties of any name, mark or designation that consists of or includes the term "QUILT" or variations thereof.

6. Third party usage or registration of any name, mark or designation that consists of or includes the term "QUILT" or variations thereof in connection with bathroom tissue, facial tissue and/or other paper products.

7. Brand awareness and competitive brands.

8. Confusion in the marketplace between any of Opposer's Marks and the name, mark or designation of any third party which includes the term "QUILT" or variations thereof.

9. Objections made by Opposer against any third party's use and/or registration of any name, mark or designation which includes the term "QUILT" or variations thereof.

10. Any agreements entered into between Opposer and any third party based upon either of such party's usage of a name, mark or designation including the term "QUILT" or variations thereof.

11. Customer feedback regarding the quality of products sold under Opposer's Marks.

12. Consumer recognition of names, marks and/or designations including the term "QUILT" or variations thereof.

13. The alleged fame of any name, mark or designation including the term "QUILT" or variations thereof.

Opposer is requested to provide Applicant's counsel with written notice, at least five (5) business days in advance of the deposition, of the name and employment position of each designee who consents to testify on behalf of Applicant, and the subject matter categories as to which each designee has agreed to testify.

Dated: November 4, 2009

Respectfully submitted,

Charles R. Hoffmann
R. Glenn Schroeder
Hoffmann & Baron, LLP
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Attorneys for Applicant
Global Tissue Group, Inc.

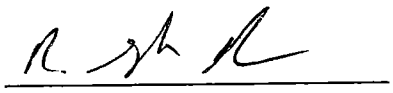
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	)	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 4, 2009, a copy of the foregoing NOTICE OF RULE 30(b)(6) DEPOSITION was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com



R. Glenn Schroeder

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF DEPOSITION OF PATRICK DAVIS

Notice is hereby given that pursuant to Fed. R. Civ. P. 26 and TBMP Rule 404.5, Applicant Global Tissue Group, Inc. ("Applicant") will take the deposition of Patrick Davis at the offices of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530, on November 19, 2009, at 9:00 a.m., or at such other time and place as may be agreed to by counsel, and continuing from day to day until complete. The deposition will be by oral examination, with a written stenographic and/or videographic record made thereof, and shall be taken before an officer authorized to administer oaths.

Dated: November 4, 2009

Respectfully submitted,

Charles R. Hoffmann
R. Glenn Schroeder
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choffmann@hoffmannbaron.com
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Attorneys for Applicant
Global Tissue Group, Inc.

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 4, 2009, a copy of the foregoing Notice of Deposition of Patrick Davis was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
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Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF DEPOSITION OF THOMAS BEST

Notice is hereby given that pursuant to Fed. R. Civ. P. 26 and TBMP Rule 404.5, Applicant Global Tissue Group, Inc. ("Applicant") will take the deposition of Thomas Best at the offices of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530, on November 19, 2009, at 2:00 p.m., or at such other time and place as may be agreed to by counsel, and continuing from day to day until complete. The deposition will be by oral examination, with a written stenographic and/or videographic record made thereof, and shall be taken before an officer authorized to administer oaths.

Dated: November 4, 2009

Respectfully submitted,

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R. Glenn Schroeder
Hoffmann & Baron, LLP
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Attorneys for Applicant
Global Tissue Group, Inc.

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 4, 2009, a copy of the foregoing Notice of Deposition of Thomas Best was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF DEPOSITION OF DAVID SAYYED

Notice is hereby given that pursuant to Fed. R. Civ. P. 26 and TBMP Rule 404.5, Applicant Global Tissue Group, Inc. ("Applicant") will take the deposition of David Sayyed at the offices of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530, on November 20, 2009, at 9:00 a.m., or at such other time and place as may be agreed to by counsel, and continuing from day to day until complete. The deposition will be by oral examination, with a written stenographic and/or videographic record made thereof, and shall be taken before an officer authorized to administer oaths.

Dated: November 4, 2009

Respectfully submitted,

Charles R. Hoffmann
R. Glenn Schroeder
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, New York 11791
Telephone: (516) 822-3550
Facsimile: (516) 822-3582
choffmann@hoffmannbaron.com
gschroeder@hoffmannbaron.com

Attorneys for Applicant
Global Tissue Group, Inc.

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 4, 2009, a copy of the foregoing Notice of Deposition of David Sayyed was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF DEPOSITION OF ANDREW TOWLE

Notice is hereby given that pursuant to Fed. R. Civ. P. 26 and TBMP Rule 404.5, Applicant Global Tissue Group, Inc. ("Applicant") will take the deposition of Andrew Towle at the offices of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530, on November 20, 2009, at 2:00 p.m., or at such other time and place as may be agreed to by counsel, and continuing from day to day until complete. The deposition will be by oral examination, with a written stenographic and/or videographic record made thereof, and shall be taken before an officer authorized to administer oaths.

Dated: November 4, 2009

Respectfully submitted,

Charles R. Hoffmann
R. Glenn Schroeder
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, New York 11791
Telephone: (516) 822-3550
Facsimile: (516) 822-3582
choffmann@hoffmannbaron.com
gschroeder@hoffmannbaron.com

Attorneys for Applicant
Global Tissue Group, Inc.

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 4, 2009, a copy of the foregoing Notice of Deposition of Andrew Towle was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

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

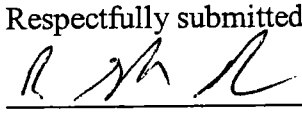
GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

NOTICE OF DEPOSITION OF EMILY K. BOSS

Notice is hereby given that pursuant to Fed. R. Civ. P. 26 and TBMP Rule 404.5, Applicant Global Tissue Group, Inc. ("Applicant") will take the deposition of Emily K. Boss at the offices of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530, on December 1, 2009, at 9:00 a.m., or at such other time and place as may be agreed to by counsel, and continuing from day to day until complete. The deposition will be by oral examination, with a written stenographic and/or videographic record made thereof, and shall be taken before an officer authorized to administer oaths.

Dated: November 4, 2009

Respectfully submitted,



Charles R. Hoffmann
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Attorneys for Applicant
Global Tissue Group, Inc.

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC. Applicant.	Opposition No.: 91184529

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, November 4, 2009, a copy of the foregoing Notice of Deposition of Emily K. Boss was served upon the Opposer, by email and by U.S. mail, to Opposer's current identified counsel, as set forth below:

Charlene R. Marino
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
cmarino@kilpatrickstockton.com

R. Glenn Schroeder

EXHIBIT D

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

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Opposer, v. GLOBAL TISSUE GROUP, INC., Applicant.	Opposition No. 91184529

OPPOSER'S INITIAL DISCLOSURES PURSUANT TO TRADEMARK RULE OF PRACTICE § 2.120(a) AND FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)

Opposer Georgia-Pacific Consumer Products LP ("Opposer"), by its undersigned counsel, responds to the disclosure requirements of T.M.R.P. § 2.120(a) and Fed. R. Civ. P. 26(a)(1) as follows:

DISCLOSURES

At this early stage in the opposition, it may not be feasible to identify all persons who are likely to have knowledge of material facts or all documents upon which Opposer has based or will base its claims. To the extent necessary, Opposer will supplement these Disclosures, possibly including identifying additional persons, documents, and other such information, during discovery.

1. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), each party is required to disclose, to the extent then readily available, the name, and if known, the address and telephone number of each individual likely to have discoverable information -- along with the subjects of that information -- that the party may use to support its claims or

defenses, unless the use would be solely for impeachment. Without waiving any applicable objections, privileges, or protections, Opposer discloses as follows:

A. Andrew Towle; Vice President/General Manager, Tissue Category; protection, enforcement, and promotion of Opposer's QUILT marks, distribution and sale of products under and in connection with Opposer's QUILT marks, likelihood of confusion and dilution with respect to Applicant Global Tissue, Inc.'s ("Applicant's") QUILTY mark and application.; and

B. David Sayyed; Brand Manager, Quilted Northern Bath Tissue; protection, enforcement, and promotion of Opposer's QUILT marks, distribution and sale of products under and in connection with Opposer's QUILT marks, likelihood of confusion and dilution with respect to Applicant's QUILTY mark and application.

The foregoing individuals are Opposer's employees, and may be reached through the undersigned counsel. Additionally, employees and/or representatives of Applicant are likely to have discoverable information that Opposer may use to support its claims.

2. Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii), each party is required to provide a copy – or a description by category and location -- of all documents, electronically stored information, and tangible things that the party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment. Without waiving any objections, privileges, or protections, Opposer identifies the following documents that are in its possession, custody, or control:

A. Documents and information relating to the protection, registration, and enforcement of Opposer's QUILT marks, including ACOLCHINADO (QUILTED in Spanish), IT'S ALL IN THE QUILTING, PLUSH-QUILTS, QUILTED, QUILTED NORTHERN, QUILTED NORTHERN PS, QUILTED NORTHERN ULTRA, and QUILTING;

B. Documents and information relating to the marketing, advertising, and promotion of Opposer's QUILT marks;

C. Documents and information relating to channels of distribution for, and sales of, Opposer's products under and in connection with its QUILT marks;

D. Documents and information relating to Applicant and its QUILTY trademark application; and

E. Documents and information relating to likelihood of confusion as to source, sponsorship, affiliation, connection, association, and/or endorsement, and to dilution, with respect to Applicant's QUILTY mark and Opposer's QUILT marks.

These documents will be located at Hunton & Williams LLP, 951 East Byrd Street, Richmond, Virginia 23219, as they become available. Certain of the documents may be subject to the attorney-client privilege, work product protection, or other applicable privileges, or protections. Confidential documents will be furnished, subject to any other applicable objections, privileges or protections, only after entry of an appropriate confidentiality agreement and protective order.

Respectfully submitted,

GEORGIA-PACIFIC CONSUMER PRODUCTS LP

By: _____

Stephen P. Demm
John Gary Maynard, III
Edward T. White
Janet W. Cho
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219-4074
HWRITM@hunton.com
(804) 788-8331 (signer's direct dial)
(804) 344-7999 (facsimile)

Date: September 19, 2008

Certificate of Service

The undersigned hereby certifies that on this date, September 19, 2008, a copy of this paper has been served upon Applicant, by email and by U.S. mail, to Applicant's current identified counsel, as set forth below:

Andrew B. Katz
Chernow Katz, LLC
721 Dresher Road, Suite 1100
Horsham, PA 19044

akatz@chernowkatz.com

_____
Stephen P. Demm

EXHIBIT E

may produce non-privileged, responsive business records that supplement this answer and demonstrate use.

INTERROGATORY NO. 2

Identify the person(s) most knowledgeable about the manufacture, marketing, promotion, distribution, advertising, and/or sales of any of Opposer's products or services bearing Opposer's Marks.

RESPONSE TO INTERROGATORY NO. 2

OBJECTION:

Georgia-Pacific objects to Interrogatory No. 2 on the grounds that the phrase "most knowledgeable" is unclear, vague, and ambiguous.

ANSWER:

Subject to and without waiving said objections, Georgia-Pacific identifies the following relevant individuals:

Andrew Towle, Vice President/General Manager of Tissue Category;

Patrick Davis, Director of Brand Marketing;

Thomas Best, Director of Category Development.

INTERROGATORY NO. 3

Describe in detail all instances in which any person has confused or mistaken the identity, source, affiliation, or relationship between, on the one hand, Opposer, any of Opposer's products or services, and/or Opposer's Marks and, on the other hand, Applicant, any of Applicant's products or services, and/or Applicant's Mark.

RESPONSE TO INTERROGATORY NO. 3

OBJECTION:

EXHIBIT F

Pacific further objects on the grounds that information responsive to Interrogatory No. 11 is confidential, proprietary, and/or trade secret.

ANSWER:

Subject to and without waiving said objections, Georgia-Pacific refers to its answer to Interrogatory No. 5.

Further, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure and TBMP Rule 405.04(b), Georgia-Pacific may produce non-privileged, responsive business records that supplement this answer.

INTERROGATORY NO. 12

Identify each and every person known by Opposer to have supplied information for or participated in responding to these interrogatories and Applicant's First Requests for Production of Documents to Opposer.

RESPONSE TO INTERROGATORY NO. 12

OBJECTION:

Georgia-Pacific objects to Interrogatory No. 12 to the extent that it seeks information protected by the attorney-client privilege. Georgia-Pacific further objects to Interrogatory No. 12 to the extent that it seeks information prepared by Georgia-Pacific's attorneys in anticipation of litigation, or information containing or reflecting the thoughts and mental impressions of Georgia-Pacific's attorneys, all of which are protected by the work-product doctrine

ANSWER:

Subject to and without waiving said objections , Georgia-Pacific identifies Emily K. Boss, Christine M. Cason and Barbara Edwards.

EXHIBIT G

HOFFMANN & BARON, LLP

ATTORNEYS AT LAW
6900 JERICHO TURNPIKE
SYOSSET, NEW YORK 11791-4407
(516) 822-3550
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R. GLENN SCHROEDER
GLENN T. HENNEBERGER
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STEVEN T. ZUSCHLAG†
JOHN S. SOPKO†*

RODERICK S.W. TURNER†
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SUSAN A. SIPOS
KEVIN E. MCDERMOTT
ANNA-LISA L. GALLO
ANDREA M. WILKOVICH*
TONY A. GAYOSO
NICHOLE E. MARTIAK
LAUREN T. EMR
LINDA D. CHIN

JON A. CHIODO
ANNA C. CHAU
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SENIOR COUNSEL
ROBERT NEUNER

SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NY
† SENIOR ATTORNEY

November 17, 2009
VIA FACSIMILE & E-MAIL

Charlene R. Marino, Esq.
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

Re: Georgia-Pacific Consumer Products, LP v. Global Tissue Group, Inc.
Opposition No. 91184529

Dear Charlene:

This letter is to confirm our conversation of November 16, 2009 and to set forth in writing several outstanding issues relating to the ongoing discovery in the above-referenced opposition proceeding. We have also asked for your consent to a sixty (60) day extension of the discovery period.

I. Substitution of Counsel and Noticed Depositions

As we advised you by telephone on November 2, 2009, and in our subsequent email that same day, Hoffmann & Baron was retained by Global Tissue Group (GTG) at the beginning of this month to represent them in this opposition as it proceeds forward. At that time, I indicated that we would be filing a Notice of Appearance and noticing several depositions. The Notice of Appearance was subsequently filed on November 3, 2009, and six Notices of Deposition were served on you on November 4, 2009.

You advised us by telephone on November 5, 2009 that none of the named individuals were available during the month of November, but that you would be willing to produce Andrew Towle as your 30(b)(6) witness on December 3, 2009, as well as one additional witness – also to be produced outside the discovery cut-off date. We indicated at that time that we could not agree to such a proposal, and that we would insist upon scheduling depositions for all of the named individuals. We asked you to confirm with your client whether or not they would be willing to produce all of the named individuals. We also asked for proposed dates for these individuals. No response was received from

you subsequent to that telephone conversation, nor did you return our phone call of November 12, 2009. When we spoke yesterday, you still did not have a definitive answer as to whether your client would produce all of the named witnesses, nor did you have any proposed dates available.

As we explained to you during our conversation of November 5, 2009, the individuals identified in the Notices of Deposition are the very same persons which you identified to us as relevant individuals in both your initial disclosures and interrogatory responses. For you to now suggest that we should not be allowed the opportunity to depose these individuals, particularly in view of the 32,000 plus page documents which you have produced to us, is clearly unreasonable and contrary to the TTAB rules. Accordingly, please provide us with dates for all the Noticed individuals, or confirm for us that your client is unwilling to produce such individuals.

II. GP Document Production

We have now had the opportunity to initially review the 32,000+ documents which were produced by GP. As we discussed with you yesterday, there are several significant deficiencies with your production.

1. The Lack of the Privilege Log

We have been unable to identify a privilege log in the documents produced to us. When we asked you yesterday whether a privilege log had been produced, you were unable to tell us whether such a log had been produced, and if not, why not. Is it GP's position in this proceeding that not one single privilege document exists within the files of GP? If that is in fact your position, please confirm that fact for us in writing. If not, we expect to promptly receive the necessary privilege log required by Rule 26.

2. The Failure to Produce Documents as they are Kept in the Usual Course of Business

As you know, GP produced the bulk of its documents in electronic format. It appears, however, that many of the multi-page documents were scanned as individual pages – which makes its difficult/impossible to determine how these documents were actually kept in the usual course of business. The electronic index you provided to us does not help in this regard since it merely provides large groupings of documents with general titles, or no titles at all.

We have also reviewed the chart which you prepared for Mr. Katz in response to his earlier objection. Although this chart makes an attempt to identify which documents

are responsive to which requests, we must also object to the general nature of this document in that it simply identifies thousands of documents (by Bates Numbers only) as responsive to many of the requests. In addition, your response to GTG Document Request No. 1 is not understood since it does not identify any documents, while your response to GTG Document Request No. 19 and 20 suggests that you in fact do have privileged documents which you have not produced or identified on a privilege log.

3. Missing Documents

Our initial review has revealed that the GP document production is clearly deficient.

First, no search reports directed to the marks identified in the Notice of Opposition have been produced. As you know, such search reports are not considered to be privileged by the TTAB. Although you stated yesterday that you do not believe that such search reports exist, we find it difficult to believe that GP has never conducted a search with respect to any of the twelve marks identified in the Notice of Opposition. If this in fact the case, please confirm that fact for us in writing.

Second, the produced documents do not appear to include any documents relating to the current Kimberly-Clark litigation/cancellation proceedings. When I asked you about this yesterday, you indicated that such documents were probably not produced because the cancellation was only recently filed, when in fact it was filed over two months ago. It was actually filed the day after you received the most recent decision from the TTAB regarding this opposition proceeding. Under the Federal Rules, GP has a continuing duty to update its prior discovery responses. It is unclear to us why you have not produced such documents.

You also indicated during our telephone conversation yesterday that you may not have produced these documents because the original litigation matter was not responsive to our discovery requests. Again, this explanation is clearly inadequate in that several of GTG's requests (e.g., Request No. 16) specifically refer to the production of such documents. In fact, we note that the Complaint filed in the Kimberly-Clark litigation was not only prepared by your firm, but actually signed by your colleague Charles Henn, who is also appearing in this proceeding. Your response to me yesterday that this prior proceeding did not involve the marks in question would not appear to be accurate in view of the contents of this Complaint, which, for example, list GP's Northern Quilted marks on pages 15-16 of such document.

4. Competitive Marks

We have been unable to locate even a single document among the 32,000+ pages which contains any reference to a competitive use of the term "quilt", "quilted", or a variation thereof (other than the litigation/adversarial documents provided to us.) We find it difficult to believe that GP is not in possession of a single document showing any of its competitors using one of these terms. For example, Bounty has been using the mark "Bounty Double Quilted" since at least as early as September 2001. Is it GP's position that not one document exists within the confines of GP that reference this mark, or other such uses of these terms by your competitors?

III. Request to Extend Discovery

In view of the points discussed hereinabove, we have asked you to consent to a sixty (60) day extension of the discovery period. In this regard, we remind you that when Kilpatrick took over representation of this matter for GP, you made a similar request to extend the discovery period. It would be quite unreasonable for GP to now oppose GTG's request for the same relief that GP sought at the time Kilpatrick entered this proceeding.

IV. Settlement Discussions

With respect to the issue of settlement, you asked during our conversation of November 5, 2009 whether we had had any settlement discussions with our client. At that time, I advised you that we had not, but that I would discuss this matter with my client. Accordingly, I spoke with my client regarding settlement, and advised you of their offer during our discussion yesterday. Your suggestion on the telephone that our proposal was not even worth passing along to your client was both improper and not understood. You asked us to provide you with a settlement proposal, which we did. Your client is free to accept it or reject it, but the offer was made in good faith pursuant to your suggestion. For you to suggest otherwise does not advance the nature of such discussions.

V. Amended Answer

Although not discussed yesterday, and upon further review of this case, we intend to file a Motion for Leave to File an Amended Answer. Our Amended Answer will include counterclaims for cancellation of many of the marks identified in your Notice of Opposition. You will recall that your firm recently requested permission to file an amended Notice of Opposition in which you added additional grounds for opposing our

application. We did not oppose such motion. Likewise, we would expect your firm to allow us the courtesy to file an Amended Answer without opposition.

VI. Requested Action

1. Please advise us by 5:00 p.m. EST tomorrow whether your client will agree to the requested sixty (60) day extension of the discovery period. If we do not receive a response by that time, we will proceed with the understanding that your client is not willing to consent to this extension request.

2. Please advise us by 5:00 p.m. EST tomorrow whether your client will agree to produce all of the noticed individuals for depositions. If we do not receive a response by that time, we will proceed with the understanding that your client is refusing to produce all of these named individuals.

3. Please advise us by 5:00 p.m. EST tomorrow whether your client will oppose the filing of an Amended Answer.

4. Please provide us with the necessary privilege log, or confirm that no such privilege documents exists.

5. Please provide us with updated electronic copies of the GP documents indexed in a manner which corresponds to the way such documents were kept in the usual course of business, or an updated index which clearly identifies the documents contained on the disks produced in response to GTG's document requests.

6. Please provide us with copies of any search reports directed to the marks identified in the Notice of Opposition, or confirm for us that no such search reports exist.

7. Please provide us with copies of all responsive documents relating to the Kimberly-Clark litigation/cancellation proceedings, including all correspondence between the parties.

8. Please confer with your client and determine whether they are in possession of any documents showing use of the terms "quilt", "quilted" or variations thereof by their competitors, other than the litigation/adverserial documents provided to us. If no such documents exist, please confirm that for us in writing.

9. Please identify the person who signed the interrogatory verification. The signature is not legible, and you neglected to type the name of the signatory.

We look forward to your response.

Very truly yours,

R. Glenn Schroeder

RGS:mak

325059_1.DOC

EXHIBIT H

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4528
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

direct dial 404 815 6386
direct fax 4045414736
cmarino@kilpatrickstockton.com

November 18, 2009

Via Email & U.S. Mail

R. Glenn Schroeder
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, New York 11791-4407

Re: *Georgia-Pacific Consumer Products, LP v. Global Tissue Group, Inc.*
Opposition No. 91184529

Dear Glenn:

This is in response to your November 17 letter.

I. Global Tissue's Untimely Noticed Depositions and Request for Discovery Extension

Georgia-Pacific does not consent to a 60-day extension of the discovery period.

Without any notice, on November 4 your client sent six (6) deposition notices, unilaterally setting the depositions for November 18 and 19. As you know, deposing party must give "reasonable notice" in writing to the other party of a discovery deposition. *See* FED. R. CIV. P. 30(b)(1). Particularly with the upcoming Thanksgiving holiday, Global Tissue's notices were not reasonable advance notice.

While we believe that Global Tissue failed to notice depositions in a timely fashion, despite over sixteen (16) months during the discovery period in which such depositions could have been scheduled, we offered to make available two witnesses—a 30(b)(6) representative and a witness of Global Tissue's choosing—even though they would not be available until *after* the close of discovery. Your client decided not to accept this compromise offer.

This matter has been ongoing since June 2008, and discovery has been reset twice--on May 4, 2009, and on September 9, 2009--both delays due to obstreperousness on the part of Global Tissue. Indeed, the reason Georgia-Pacific previously requested a 60-day

extension of the discovery period early in this matter (which was *opposed* by Global Tissue) was in part due to the change of counsel, but primarily because Global Tissue (1) refused to consent to Georgia-Pacific's proposed Protective Order eventually approved by the Board; (2) refused to produce documents prior to the Board's resolution of Georgia-Pacific's Motion for Protective Order; and (3) would not make its witnesses available for deposition during the original discovery period. The second reset of the discovery period was necessitated by the refusal of Global Tissue's witnesses to answer relevant questions during their depositions, requiring Georgia-Pacific to move to compel responses with the Board.

We previously asked Global Tissue's counsel on several occasions whether it intended to depose anyone from Georgia-Pacific, and on every occasion, we were informed that Global Tissue did not intend to take any depositions. Global Tissue has had ample time to complete discovery in this matter, notwithstanding the change in counsel. It willingly chose to sleep on its rights, and cannot reasonably seek to extend discovery at the eleventh hour. *See Springs Window Fashions, LP v. Novo Industries, LP*, 323 F.3d 989 (Fed. Cir. 2003) ("When a party fails to secure discoverable evidence due to his own lack of diligence, it is not an abuse of discretion for the trial court to refuse to grant a continuance.")

Georgia-Pacific maintains its offer: Global Tissue may depose Andrew Towle individually and as a 30(b)(6) representative of the company on December 3 in Atlanta. Georgia-Pacific objects to the other untimely noticed depositions.

II. Georgia-Pacific's Document Production

1. Privilege Log

We have not yet received a privilege log from Global Tissue; please produce one immediately. Per your request, enclosed is a copy of Georgia-Pacific's privilege log.

2. Production of Documents as Kept in the Normal Course of Business

We disagree with your claim that Georgia-Pacific failed to produce documents as they are kept in the normal course of business. On the contrary, we produced both hard-copy documents and imaged electronic files as they were originally kept by various Georgia-Pacific employees. Both the electronic index and hard-copy index that we provided to Global Tissue's counsel months ago is more than sufficient to meet Georgia-Pacific's discovery obligations. Please inform us of any legal authority standing for the proposition that Georgia-Pacific's production has been improper.

As an additional accommodation, we are willing to provide load files for the electronically-stored information that identifies the Bates number ranges for each document, if you believe that this information would assist you in your review.

3. Other Requested Documents

a. Search Reports

Georgia-Pacific has conducted a diligent search and is not in possession, custody, or control of any trademark search reports concerning the marks at issue in this matter. The only exception is a 2002 search obtained in connection with the mark IT'S ALL IN THE QUILTING. This search report, however is not discoverable. Not only is the in-house legal department's clearance search privileged, but it is not relevant, as it was conducted seven years ago and any marks cited in the report would have no bearing on the current market perception of the QUILTED® marks at issue.

b. Documents Pertaining to Kimberly-Clark Litigation

Documents pertaining to the litigation between Georgia-Pacific and Kimberly-Clark ("KC"), are not responsive to Request No. 16, which seeks: "All documents and things referring or relating to, or showing or documenting, objections Opposer has made to or relating to any third party's use and/or registration of any name, Mark, or designations, based on the use of the term 'QUILT' or a variation of that term." The litigation between Georgia-Pacific and KC does involve an objection to KC's use of the term "QUILT." Rather, it relates to KC's diamond-shaped *emboss pattern* imprinted on sheets of bath tissue.

To the extent your client would like to review documents from that proceeding, the pleadings are publicly available on the Internet through the PACER and TTABVUE systems. The documents produced to KC by Georgia-Pacific in that litigation are among the materials produced to Global Tissue in this matter, so you already have those. To the extent you would be seeking documents produced *by KC*, Georgia-Pacific cannot produce them in this action because KC produced them on a "confidential" basis pursuant to a Protective Order. Correspondence between litigation counsel for Georgia-Pacific and KC relating to things such as extensions, scheduling, page limits, and the like have absolutely no relevance to the present action.

c. Documents Regarding Third Party Use of "Quilt"

Georgia-Pacific has produced the responsive documents in its possession pertaining to third party use of "Quilt," including all documents pertaining to its enforcement actions. To

the extent Global Tissue desires documents from third parties, it should have subpoenaed them during the discovery period.

III. Amended Answer

You ask Georgia-Pacific to consent to a motion to amend Global Tissue's Answer to assert counterclaims to cancel certain of Georgia-Pacific's registrations. Please provide the basis for these counterclaims, so we can consider whether an amendment at this late stage is appropriate.

Georgia-Pacific's Motion to Amend its Notice of Opposition was based upon *newly discovered information* in Global Tissue's discovery responses and deposition testimony; namely, that Global Tissue did not have any documents or other information sufficient to show that it had a bona fide intent to use the QUILTY mark at the time the application was filed. If the counterclaims Global Tissue seeks leave to add are based upon information that is not newly uncovered, Georgia-Pacific is not inclined to consent to such a motion.

IV. Settlement

Global Tissue demanded that Georgia-Pacific pay it [redacted] to withdraw the QUILTY application. Your demand is absurd and amounts to nothing more than extortion. We welcome a reasonable explanation as to why Georgia-Pacific should pay [redacted] dollars to prevent Global Tissue from registering a mark that (a) clearly infringes Georgia-Pacific's rights; and (b) has never been used by Global Tissue.

Rest assured, we passed your "offer" along to Georgia-Pacific within minutes after our phone call yesterday, and it is hereby rejected. Georgia-Pacific does not pay infringers to stop infringing.

V. Interrogatories

The individual who signed the interrogatory verification is Andrew Towle.

Sincerely,

Charlene R. Marino

Charlene R. Marino

CRM/
Enclosures

cc: Christine M. Cason
R. Charles Henn Jr.

EXHIBIT I

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JAMES F. HARRINGTON†

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KEVIN E. MCDERMOTT
ANNA-LISA L. GALLO
ANDREA M. WILKOVICH*
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SENIOR COUNSEL
ROBERT NEUNER

SCIENTIFIC ADVISOR
DANIEL A. SCOLA, SR., Ph.D.

* NOT ADMITTED IN NY
† SENIOR ATTORNEY

November 20, 2009
VIA FIRST CLASS MAIL AND E-MAIL

Charlene R. Marino, Esq.
Kilpatrick Stockton, LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309

Re: Georgia-Pacific Consumer Products, LP v. Global Tissue Group, Inc.
Opposition No. 91184529

Dear Charlene:

This letter is to confirm our discussion yesterday. In particular, we reviewed the topics raised in our letter of November 17, 2009, and your response of November 18, 2009. It is our understanding that Georgia-Pacific intends to stand by the positions set forth in your letter. If this understanding is incorrect, please advise us accordingly. Otherwise, as we advised you yesterday, we are proceeding with the filing of the motions mentioned in our November 17th letter.

Although not discussed during our conversation yesterday, we feel we must respond to the comments set forth in your November 18th letter regarding our settlement discussions. You state that Global Tissue "demanded that Georgia-Pacific pay it $500,000 to withdraw the QUILTY application." This depiction of our settlement discussions is both misleading, and typical of G-P's bullying tactics. You asked us to discuss settlement with our client – we did so – and thereafter presented an offer to you in good faith. You may not have liked our offer, but to describe it as (1) a demand, (2) absurd, and (3) extortion is a clear mischaracterization of our discussions.

First, we did not demand anything. We presented an offer to you at your request. Second, what you may find to be "absurd", others would find to be reasonable. The offer we presented to you was made with a sound business basis. Third, your statement that our offer is "extortion" ignores the fact that (i) you asked us for such an offer, (ii) that

there is no evidence that our client has acted in anything but good faith, and (iii) that the Trademark Office considered our application in view all of G-P's marks, and thereafter approved the application for publication.

Next, your comment that this mark "clearly infringes Georgia-Pacific's rights" is a misstatement of any trademark law of which I am familiar. A mark must first be used before infringement can be found.

You then suggest that Global Tissue's mark has no value because it has not yet been used. This statement is not understood. As you know, U.S. Trademark Law allows for the filing of an intent-to-use application for a mark which has not yet been used. That is the whole purpose underlying that section of the law. Thus, use of a mark is clearly not dispositive of whether such mark has value.

Finally, your statement that "Georgia-Pacific does not pay infringers to stop infringing" is to use your own language "absurd", does nothing to advance the settlement discussions in this case and, as mentioned above, is a misstatement of the law.

We confirm your voicemail message of November 19, 2009 that should these proceedings be suspended upon the filing of our motions, that your client is not inclined to offer Andrew Towle for deposition on December 3, 2009.

We intend to have our motions filed by early next week and will advise you accordingly. We will also provide you with our privilege log at that time.

Very truly yours,

R. Glenn Schroeder

RGS:mak

325341_1.DOC

EXHIBIT J

BEFORE THE UNITED STATES
TRADEMARK TRIAL AND APPEAL BOARD

Georgia-Pacific Consumer Products LP, Opposer, Global Tissue Group, Inc., Applicant.	Opposition No. 91184529

APPLICANT'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO OPPOSER

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120, Applicant Global Tissue Group, Inc. ("Applicant") hereby serves this First Set of Requests for the Production of Documents and Things on Opposer Georgia-Pacific Consumer Products LP ("Opposer"), and requests that Opposer respond by producing the requested documents at the offices of Applicant's counsel, Chernow Katz, LLC, 721 Dresher Rd., Ste. 1100, Horsham, PA 19044.

DEFINITIONS AND INSTRUCTIONS

Applicant incorporates by reference the definitions and instructions set forth in its First Set of Interrogatories to Opposer, served simultaneously herewith.

REQUESTS

Request No. 1

All documents and things referring or relating to Opposer's selection, adoption, and clearance of Opposer's Marks, including but not limited to searches, investigations, reports, and opinions.

Request No. 2

Documents and things sufficient to show and identify each product or thing on which Opposer's Marks have been used or affixed, are now used or affixed, and are intended to be used or affixed, from Opposer's alleged first use of Opposer's Marks to the present.

Request No. 3

Documents and things sufficient to show Opposer's alleged first use in the United States of each of Opposer's Marks on or in connection with each product identified in the certificates of registration for those marks.

Request No. 4

Documents and things sufficient to show Opposer's sale in units and dollars of all goods offered in connection with each of Opposer's Marks.

Request No. 5

Documents and things sufficient to show each channel of trade through which Opposer has marketed, distributed, offered, and/or sold; currently markets, distributes, offers, and/or sells; and intends to market, distribute, offer, and/or sell any products bearing Opposer's Marks.

Request No. 6

Documents and things sufficient to show the wholesale and retail prices at which Opposer currently sells goods in connection with Opposer's Marks.

Request No. 7

All documents and things referring or relating to, or showing, the nature, identity, or characteristics of each class or type of purchaser to whom Opposer has marketed, offered, and sold; currently markets, offers, and sells; and intends to market, offer, and sell any products bearing Opposer's Marks or associated with Opposer's Marks.

Request No. 8

Representative documents and things showing advertising and promotional materials prepared and/or released by or on behalf of Opposer in each advertising and/or promotional medium (e.g., brochures and other printed materials; print, television, radio, and Internet advertisements; websites; billboards, posters, and signage) featuring, displaying, depicting, or containing Opposer's Marks, and/or any of Opposer's products bearing Opposer's Marks or associated with Opposer's Marks, from the Opposer's first alleged use of Opposer's Marks to the present.

Request No. 9

Documents and things sufficient to show all forms and all manners of appearance in which Opposer allegedly has depicted, displayed, or used Opposer's Marks, including but not limited to all designs and stylizations, from Opposer's alleged first use of Opposer's Marks to the present.

Request No. 10

Documents and things sufficient to show Opposer's annual advertising and promotional expenditures for any products services bearing Opposer's Marks or associated with Opposer's Marks, from Opposer's alleged first use of Opposer's Marks to the present.

Request No. 11

All business plans, strategic plans, budgets, forecasts, projections, performance or other reports, analyses, or research referring or relating to Opposer's business and/or any of Opposer's products or services bearing Opposer's Marks or associated with Opposer's Marks.

Request No. 12

All documents and things evidencing, reflecting, supporting, or refuting each allegation of Opposer's Complaint.

Request No. 13

All documents and things referring or relating to, or showing or documenting, any instance of alleged confusion, mistake, or deception in the United States involving the Opposer and/or Opposer's Marks on the one hand, and Applicant, Applicant's products, or Applicant's Mark on the other hand.

Request No. 14

All documents and things referring or relating to any inquiries received by or known to Opposer about whether Opposer, any of Opposer's products or services, and/or Opposer's Marks, are or were affiliated or associated with, connected to, sponsored by, or otherwise related in any way to Applicant, Applicant's products, or Applicant's Mark, and/or vice versa.

Request No. 15

All documents and things in Opposer's possession or control referring or relating to any third-party use or registration of any name, Mark, or designation that consists of or includes the term "QUILT" or variations thereof, in connection with goods or services in connection with bathroom tissue, facial tissue and/or products related to the goods identified in the registrations for Opposer's Marks.

Request No. 16

All documents and things referring or relating to, or showing or documenting, objections Opposer has made to or relating to any third party's use and/or registration of any name, Mark, or designations, based on the use of the term "QUILT" or a variation of that term.

Request No. 17

All documents and things referring or relating to, or showing or documenting, objections Opposer has received from anyone relating to Opposer's use and/or registration of any name, Mark, or designation, based on the use of the term "QUILT" or a variation of that term.

Request No. 18

All documents and things referring or relating to, or constituting, agreements Opposer has reached with third parties concerning the use and/or registration of any name, Mark, or designation, based on the use of the term "QUILT" or a variation of that term.

Request No. 19

All documents and things referring or relating to, or constituting, trademark searches, reports, investigations, and/or opinions obtained by or on behalf of Opposer or its counsel relating to any name, Mark, or designation comprised of or containing the term "QUILT" or variations thereof.

Request No. 20

All documents and things referring or relating to, or constituting, any research, reports, surveys, investigations, and/or studies conducted by or on behalf of Opposer concerning, reflecting, or referring to the presence or absence of consumer confusion or the likelihood of confusion between, on the one hand, Opposer, Opposer's Marks as allegedly used by Opposer, or Opposer's products or services bearing Opposer's Marks or associated with Opposer's Marks, and, on the other hand, any Marks, names, or designations comprised of or containing the term "QUILT" or variations thereof, as used by any other person, including but not limited to Applicant.

Request No. 21

All documents and things referring or relating to, or identifying, the use, application to register, or registration of any Marks, names, or designations believed by Opposer to infringe, dilute, or otherwise violate Opposer's alleged rights in Opposer's Marks.

Request No. 22

All documents and things referring or relating to any judicial, administrative, or other proceedings in any forum (not including this action), in which Opposer was or is a party or was or is involved in any way, the subject of which was or is related to the name, Mark, or term "QUILT" or variations thereof.

Request No. 23

All documents and things referring or relating to, or constituting, any research, reports, surveys, investigations, and/or studies conducted by or on behalf of Opposer concerning, reflecting, or referring to consumer recognition of the term "QUILT" or variations thereof.

Request No. 24

All documents and things referring or relating to, or constituting, any research, reports, surveys, investigations, and/or studies conducted by or on behalf of Opposer concerning, reflecting, or referring to the alleged fame of the term "QUILT" or variations thereof.

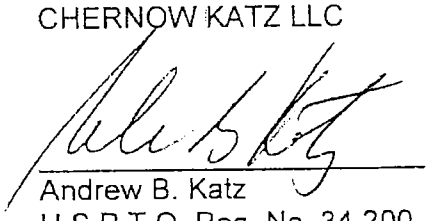
Request No. 25

All documents and things on which Opposer will rely to support its claim that registration of Applicant's mark will dilute Opposer's Marks under Section 43(c) of the Trademark Act.

DATED: September 30, 2008

Respectfully submitted,

CHERNOW KATZ LLC



Andrew B. Katz
U.S.P.T.O. Reg. No. 34,200

721 Dresher Road, Suite 1100
Horsham, Pennsylvania 19044
phone: (215) 659-3600
fax: (215) 659-3222
email: akatz@chernowkatz.com

COUNSEL TO GLOBAL TISSUE GROUP, INC.

EXHIBIT K

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Plaintiff, v. KIMBERLY-CLARK CORPORATION, KIMBERLY-CLARK GLOBAL SALES, INC., and KIMBERLY-CLARK WORLDWIDE, INC. Defendants.	Civil Action No. 1:09-cv-371-BMM

FIRST AMENDED COMPLAINT

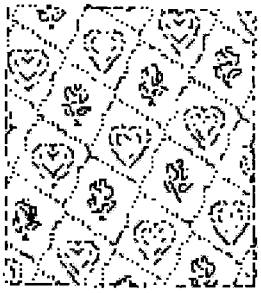
For its Complaint, Plaintiff Georgia-Pacific Consumer Products LP states the following:

NATURE OF THE ACTION

1. This is an action for unfair competition and trademark infringement under the Trademark Act of 1946, as amended, 15 U.S.C. § 1051 *et seq.* ("Lanham Act"), for trademark dilution under the antidilution laws of several states, including the Georgia antidilution act, O.C.G.A. § 10-1-451, for deceptive trade practices under the laws of several states, including Georgia, O.C.G.A. § 10-1-370 *et. seq.*, for unfair competition under the laws of Georgia, O.C.G.A. § 23-2-55, and

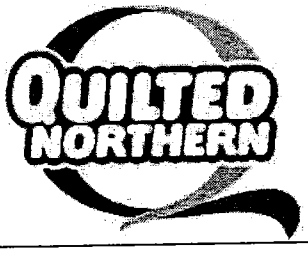
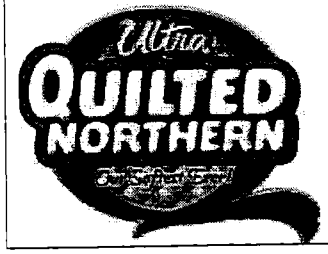
Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of Registration for this mark is attached as **Exhibit 5.**

27. Georgia-Pacific is the owner of a federal trademark registration, Reg. No. 1,979,345, issued by the United States Patent and Trademark Office on June 11, 1996, for the Quilted Diamond Design, as depicted below in combination with a floral and heart motif, for "bathroom tissue."



Affidavits have been filed pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058 and 1065, and this registration is incontestable. A copy of the Certificate of Registration for this mark is attached as **Exhibit 6.**

28. In addition to registrations of the Quilted Diamond Design, Georgia-Pacific owns numerous trademark registrations incorporating the QUILTED and QUILTED NORTHERN word marks for bath tissue, including the following:

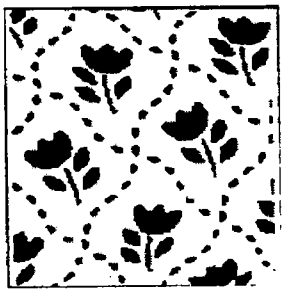
MARK	Reg. No.
QUILTED	2,957,128
	2,933,048
	3,463,900
QUILTED NORTHERN	2,968,615
QUILTED NORTHERN	2,209,027
QUILTED NORTHERN	2,657,013
QUILTED NORTHERN	2,663,438
	3,463,899
	1,877,561
QUILTED NORTHERN PS	3,018,501
QUILTED NORTHERN PS	3,293,547
QUILTED NORTHERN ULTRA	2,059,102
	3,463,460

MARK	Reg. No.
THE ULTIMATE QUILTED CLEAN	2,980,757
ACOLCHINADO (Quilted in Spanish)	3,170,713
FOR AN EVEN FRESHER QUILTED CLEAN	2,789,538

Copies of the Certificates of Registration for these marks are attached collectively as **Exhibit 7**.

PRIOR ENFORCEMENT OF GEORGIA-PACIFIC'S RIGHTS

29. Georgia-Pacific diligently and consistently has taken action to stop the sale of bath tissue bearing designs that are confusingly similar to the Quilted Diamond Design. Indeed, in 1998, Georgia-Pacific filed an action against Kimberly-Clark regarding bath tissue bearing the design depicted below:



The case was resolved in 2000 pursuant to a confidential settlement agreement.

30. More recently, on October 16, 2008, Georgia-Pacific filed an action against Procter & Gamble regarding a design on Charmin bath tissue that was

JURY TRIAL DEMAND

Plaintiffs respectfully demand a trial by jury on all claims and issues so triable.

Dated: March 18th, 2009.

Respectfully submitted,

/s/R. Charles Henn Jr.
William H. Brewster
Georgia Bar No. 080422
R. Charles Henn Jr.
Georgia Bar No. 347098
Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Tel. 404-815-6500
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Email: BBrewster@KilpatrickStockton.com
CHenn@KilpatrickStockton.com

EXHIBIT L

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

KIMBERLY-CLARK CORPORATION, Petitioner, v. GEORGIA-PACIFIC CONSUMER PRODUCTS LP, Registrant.	)	Cancellation No. 92051438

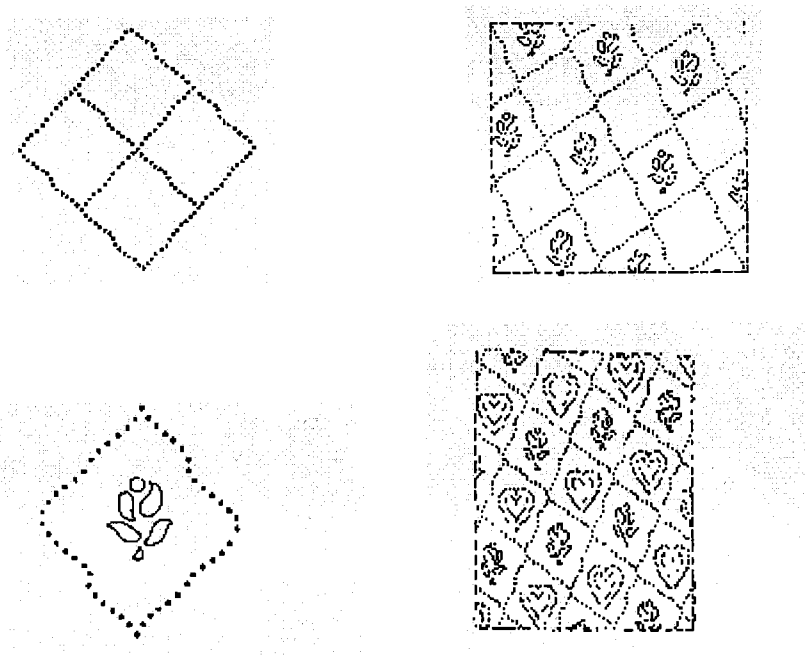
REGISTRANT'S BRIEF IN SUPPORT OF MOTION TO SUSPEND PROCEEDINGS PURSUANT TO 37 C.F.R. § 2.117(a)

Registrant, Georgia-Pacific Consumer Products LP ("Georgia-Pacific"), respectfully requests that the Board suspend this proceeding pursuant to 37 C.F.R. § 2.117(a) on the grounds that both parties to this proceeding are engaged in a civil action in federal court that will have a bearing on this proceeding.

I. BACKGROUND

In February 2009, Georgia-Pacific filed a civil action against Petitioner in the United States District Court in the Northern District of Georgia. The case was transferred to United States District Court for the Northern District of Illinois as Case No. 09-CV-2263, captioned *Georgia-Pacific Consumer Products LP v. Kimberly-Clark Corporation, Kimberly-Clark Global Sales, Inc., and Kimberly-Clark Worldwide, Inc.* A copy of the Amended Complaint is attached as **Exhibit A**. Petitioner's Answer is attached as **Exhibit B.** Georgia-Pacific seeks judgment from the District Court against Petitioner for trademark infringement, trademark dilution, unfair

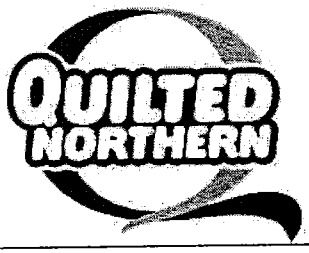
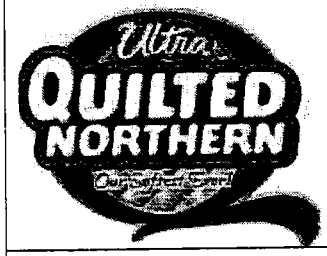
competition, and unlawful trade practices based on Georgia-Pacific's rights in its Quilted Diamond Design depicted below.

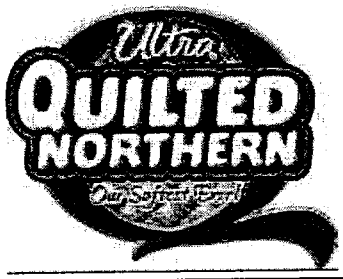


Kimberly-Clark's petition for cancellation is a strategic ploy, and an ill-fated effort to deflect from the same issues being decided in Georgia-Pacific's lawsuit.

Reflecting the obvious overlap between the proceedings, Georgia-Pacific's amended complaint asserts rights deriving in part from its QUILTED and QUILTED NORTHERN trademarks, which are covered by numerous trademark registrations, including:

MARK	**Reg. No.**
QUILTED	2,957,128
QUILTED	2,933,048

MARK	Reg. No.
	3,463,900
QUILTED NORTHERN	2,968,615
QUILTED NORTHERN	2,209,027
QUILTED NORTHERN	2,657,013
QUILTED NORTHERN	2,663,438
	3,463,899
	1,877,561
QUILTED NORTHERN PS	3,018,501
QUILTED NORTHERN PS	3,293,547
QUILTED NORTHERN ULTRA	2,059,102
	3,463,460
THE ULTIMATE QUILTED CLEAN	2,980,757
ACOLCHINADO (Quilted in Spanish)	3,170,713
FOR AN EVEN FRESHER QUILTED	2,789,538

MARK	Reg. No.
CLEAN	
QUILTED NORTHERN SOFT & STRONG	3,642,378
QUILTED NORTHERN ULTRA PLUSH	3,517,622
	3,642,213
	3,532,136

II. ARGUMENT

The Board has the power to suspend proceedings in favor of a pending civil action pursuant to 37 C.F.R. § 2.117(a), which provides:

> Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action or the other Board proceeding.

The Board regularly has exercised this power in the interests of promoting judicial economy and conserving resources. *See Vining Indus., Inc. v. Libman Co.*, No. 23,546, 1996 TTAB LEXIS 455, at *6 (T.T.A.B. July 16, 1996) (suspending Board proceedings "in the interest of judicial economy and consistent with [the Board's] inherent authority to regulate [its] proceedings to avoid duplicating the effort of the court and the possibility of reaching an

Respectfully submitted,

/s/William H. Brewster
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R. Charles Henn Jr.
Lauren Sullins Ralls
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Attorneys for Georgia-Pacific Consumer Products LP