

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

FSW/am

Mailed: July 15, 2010

Opposition No. 91188256

The Susan G. Komen Breast  
Cancer Foundation, Inc. d/b/a  
Susan G. Komen for the Cure

v.

Andrew J. Covault

**Frances S. Wolfson, Interlocutory Attorney:**

Opposer's motion (filed May 19, 2010) to compel is hereby granted as conceded. See Trademark Rule 2.127(a).

In view thereof, applicant is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order its responses, without objection, to opposer's first set of interrogatories and first requests for production of documents. See *Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718, (TTAB 1987).

Although the motion is granted as conceded, applicant need not identify how applicant has disposed of any revenues received from use of its trademark (Int. No. 5), or provide responses to document production request Nos. 12, 19-21 and

24, which are considered overly broad as worded. In addition, applicant need not reveal its entire case before trial, and may therefore respond to document request No. 22 with a representative sampling of communications, correspondence, personal notes, documents, or memoranda concerning applicant or its use of its mark. Confidential information is to be disclosed in accordance with the Board's standard protective order, which is in place in this proceeding, (see, e.g., document request No. 14) but privileged information, while it should be listed in a privilege log, need not be disclosed (see, e.g., document request No. 13).

In the event applicant fails to respond to opposer's discovery requests as ordered herein, opposer's remedy lies in a motion for judgment pursuant to Trademark Rule 2.120(g), 37 CFR Section 2.120(g).

Proceedings are resumed and trial dates, including the close of discovery, are reset as follows:

Discovery Closes	<b>9/14/10</b>
Plaintiff's Pretrial Disclosures	<b>10/29/10</b>
Plaintiff's 30-day Trial Period Ends	<b>12/13/10</b>
Defendant's Pretrial Disclosures	<b>12/28/10</b>
Defendant's 30-day Trial Period Ends	<b>2/11/11</b>
Plaintiff's Rebuttal Disclosures	<b>2/26/11</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>3/28/11</b>

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.