

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

Mailed: July 8, 2011

Opposition No. 91194358

Comedy Hall Of Fame, Inc.

v.

Jeffrey Pancer

**Robert H. Coggins,
Interlocutory Attorney:**

This case now comes up on applicant's combined motion (filed October 14, 2010) to compel and extend.

Telephone Conference

The Board exercised its discretion to determine the motion by telephone, and convened a telephone conference at approximately 2:00 p.m. EDT on June 24, 2011. After a discussion of the merits of the motion, the conference was suspended to allow applicant one week to provide additional briefing in support of that portion of the motion to compel related to Fed. R. Civ. P. 34(b)(2)(E)(i).¹ The conference

¹ Applicant's additional written briefing was limited to ten pages, due by July 1, 2011, and required to be filed via ESTTA and served on opposer. Applicant complied with each of these requirements.

was resumed at approximately 2:00 p.m. EDT on July 8, 2011. Participating in the conference were Andrew B. Katz, counsel for applicant; Brian R. Gibbons, counsel for opposer; and the above signed, as Board attorney responsible for resolving interlocutory disputes in this case. Upon resumption of the conference, opposer was allowed time in which to present an oral brief in opposition to the issues raised by applicant's additional briefing on the subject of Fed. R. Civ. P. 34(b)(2)(E)(i).²

Motion to Compel and Extend

The Board carefully considered the supporting correspondence and the record of this case, as well as the oral comments made by both parties, in coming to a determination regarding the combined motion.

Applicant's motion was denied to the extent it (1) sought to compel opposer's responses to Interrogatory Nos. 7 and 8, (2) sought to compel different, "clean" copies of the produced documents which had redacted dates, and (3) sought a unilateral extension of the discovery period; but granted to the extent it (4) sought to compel opposer to identify which produced documents are responsive to which specific interrogatories and/or document requests.

² In addition to providing an oral brief in opposition, opposer agreed to voluntarily make its document production more easily understandable to applicant.

Opposer was allowed until August 8, 2011, in which to organize the produced documents in a manner that clearly indicates which of the documents respond to which of applicant's specific interrogatories and requests for production.

Change of Address

Applicant provided a new firm name (Belles Katz LLC), email address (akatz@belleskatz.com), and telephone number (215-658-1890). In view thereof, Board records were updated to reflect the changes.

Schedule

Proceedings were resumed, and dates were reset on the schedule below. The parties were permitted until August 8, 2011, in which to respond to any outstanding discovery requests.³

Opposer's Organized Responses Due	8/8/2011
Expert Disclosures Due	9/3/2011
Discovery Closes	10/3/2011
Plaintiff's Pretrial Disclosures	11/17/2011
Plaintiff's 30-day Trial Period Ends	1/1/2012
Defendant's Pretrial Disclosures	1/16/2012
Defendant's 30-day Trial Period Ends	3/1/2012
Plaintiff's Rebuttal Disclosures	3/16/2012
Plaintiff's 15-day Rebuttal Period Ends	4/15/2012

³ Opposer indicated that it served discovery upon applicant after the motion to compel was filed but prior to the Board's suspension of proceedings.

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.