

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

Mailed: June 28, 2012

Opposition No. 91198063

AlpinBreeze LLC

v.

Evertec Information
Technology Co., Ltd.

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

This case comes up on opposer's motion (filed December 23, 2011, and supplemented January 20, 2012) to compel responses to interrogatories and document requests.

Telephone Conference

The Board exercised its discretion to decide the motion by telephone, and at approximately 9:00 a.m. EDT on June 27, 2012, the Board convened a telephone conference to efficiently resolve the outstanding motion. Participating in the conference were Matthew H. Swyers, counsel for opposer; You-Yi Lin, president of applicant, appearing *pro se*; and the above-signed Board attorney responsible for resolving interlocutory matters in this case.

The Board carefully considered the supporting correspondence and the record of this case, as well as the oral comments made by both parties during the conference, in coming to a determination regarding the motion to compel. During the telephone conference, the Board made the following determinations.

Motion to Compel

The Board determined that opposer had made the good faith effort required by Trademark Rule 2.120(e)(1) to resolve the discovery dispute prior to seeking Board intervention only as to the interrogatories at issue; opposer's efforts as to the document requests did not rise to required level. However, in an effort to promote efficiency and judicial economy in this case, the Board found it appropriate to address applicant's document production.

The Board determined that opposer's discovery requests were timely.

It appeared that applicant had made a reasonable attempt to respond to the interrogatories at issue; however, the Board determined that many responses were not sufficient, and the motion to compel was granted to the extent that applicant was ordered to serve amended responses to Interrogatory Nos. 2, 3, 5, 7, 11, 13, 17, 18, 20, 21, 22, 23, 26 (as to paragraph 3 only), and 27. Applicant was

allowed until August 10, 2012, in which to provide the compelled responses.

The motion was denied as to Interrogatory Nos. 12, 19, 24, 25, 26 (as to paragraphs 4, 6, 7, 8, 9, and 10), 28, 29, and 30. Applicant need not answer these interrogatories further, except under its obligation to supplement, if and when necessary.

The motion to compel was also granted to the extent that applicant must provide an English translation of all documents produced. Applicant was reminded of its obligation to supplement its production, as necessary, depending on the compelled amended responses to interrogatories. Applicant was allowed until August 10, 2012, in which to provide the compelled English translations.

E-mail Service

The parties agreed to service by e-mail. Trademark Rule 2.119(b)(6).

Settlement and Schedule

The Board enquired about settlement. The parties stated that although they had not engaged in negotiations recently, settlement may still be possible. The Board encouraged the parties to explore settlement of the larger disputes at issue in the opposition. The parties agreed to a thirty-day period of suspension for settlement, to run

after applicant's compelled responses and documents are due. Accordingly, except to the extent that applicant must respond to the compelled discovery, proceedings remain suspended, and dates were reset on the following schedule.

Applicant's Compelled Responses and Documents Due	8/10/2012
Proceedings Resume	9/10/2012
Plaintiff's Pretrial Disclosures	9/21/2012
Plaintiff's 30-day Trial Period Ends	11/5/2012
Defendant's Pretrial Disclosures	11/20/2012
Defendant's 30-day Trial Period Ends	1/4/2013
Plaintiff's Rebuttal Disclosures	1/19/2013
Plaintiff's 15-day Rebuttal Period Ends	2/18/2013

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.