

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

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Mailed: March 8, 2012

Opposition No. 91200575

Hershey Chocolate & Confectionery
Corporation, The Hershey Company

v.

Kenneth B. Wiesen

Yong Oh (Richard) Kim, Interlocutory Attorney:

On March 6, 2012, the Board held a telephone conference with Paul Llewellyn, Esq. (for opposer), and Kenneth Wiesen, Esq. (*pro se* for applicant), concerning alleged improprieties on the part of applicant related to applicant's service of its initial disclosures and alleged gamesmanship on the part of opposer related to its discovery responses.

The Board appreciates that the parties undertook to involve the assigned interlocutory attorney to discuss and resolve their differences. As stated during the conference, it is incumbent upon the parties to cooperate and deal with each other in a spirit of good faith. That includes regular and open lines of communication to stave off potential problems and minimize the need for motion practice. Although the cordiality displayed by counsel in the Board's previous telephone conference was largely missing today, the Board is encouraged

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that cooler heads ultimately prevailed and the parties agreed to move forward in a spirit of cooperation and good faith. With that being said, the parties agreed to concurrently serve via email courtesy copies of any paper bearing a certificate of service to the following:

pllewellyn@kayescholer.com (for opposer)

wiesenlaw@gmail.com (for applicant)

The five-day grace period for service by first-class mail, "Express Mail," or overnight courier pursuant to Trademark Rule 2.119(c) will remain in effect.

The Board also informed the parties that a motion to compel will not be entertained and good faith will not be found where the parties have failed to previously conduct at least one telephone conference to resolve the issue.

Dates remain as set in the Board's order of December 19, 2011.

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