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

Proceeding	91201506
Party	Defendant VIKING RIVER CRUISES (BERMUDA) LTD.
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Date	03/19/2012
Attachments	91201506_OTMTE.pdf (4 pages)(93480 bytes)

always be granted). Therefore, Opposer should have served basic responses preserving its objections to the discovery requests.

As grounds for its request for a thirty (30) day extension of time to respond to Applicant's discovery requests, Opposer states that "there is an outstanding settlement proposal that the parties are considering." Applicant responds that at this time, there is no longer an outstanding settlement proposal. Applicant's counsel has informed Opposer's counsel that Opposer's latest settlement proposals are unacceptable to Applicant.

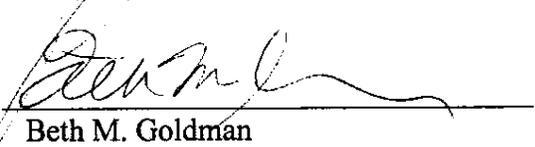
Furthermore, pursuant to TBMP § 509.01(a), the mere existence of settlement negotiations or proposals does not excuse the parties from pursuing discovery. *See Fairline Boats PLC v. New Howmar Boats Corp.*, 59 U.S.P.Q.2d 1479, 1480 (T.T.A.B. 2000) (stating that "the mere existence of [settlement] negotiations, or proposals, without more, would not justify petitioner's delay in proceeding with testimony"); *Instruments SA Inc. v. ASI Instruments, Inc.*, 53 U.S.P.Q.2d 1925, 1927 (T.T.A.B. 1999) (denying opposer's motion to extend the close of the discovery period where plaintiff's claim of ongoing bilateral settlement negotiations was rebutted by defendant). As none of the Oppositions have been suspended, Opposer has an obligation to respond to Applicant's discovery requests by today, March 19, 2012.

Finally, Applicant maintains that Opposer's filing of this Motion is yet another attempt to reduce its own efforts in responding to Applicant's discovery after unnecessarily filing seven separate oppositions against each of Applicant's marks. Applicant has already been forced to file seven separate Answers and propound discovery in six different proceedings at its own time and expense due to the proliferation of oppositions filed by Opposer. In light of the foregoing reasons, Applicant respectfully requests that Opposer's request for a thirty (30) day extension to serve its discovery responses be denied and that the Board rule that Opposer has forfeited its right to object to the discovery requests on their merits by failing to respond to the discovery requests before the deadline.

Dated: March 9, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:


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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **APPLICANT'S OPPOSITION TO OPPOSER'S MOTION FOR EXTENSION OF TIME TO SERVE DISCOVERY RESPONSES** is being served upon counsel for Opposer by First Class Mail on this 19th day of March 2012, by placing the same in an envelope addressed as follows:

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