

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

Issued: March 11, 2013

Opposition No. **91206026**

Victualic Company

v.

Shurjoint Piping Products,  
Inc.

**Cheryl S. Goodman, Interlocutory Attorney:**

On March 11, 2013, the Board held a telephone conference with Bryan Sugar, counsel for opposer, and Mark Tidman, counsel for applicant. The parties dispute the deadline for applicant's service of discovery responses to opposer's outstanding discovery requests. Initial disclosures have been served by both parties.

The question before the Board is whether applicant's time for responding to opposer's discovery is thirty days after decision on the motion for judgment on the pleadings (issued February 1, 2013) or whether applicant's time for responding to opposer's discovery is subsequent to re-service by opposer of its outstanding discovery requests.

Based on applicant's filings, opposer apparently served the discovery requests on January 3, 2013, during the pendency of the motion for judgment on the pleadings. The Board had previously ordered the parties to defer all

activities relating to discovery in its November 7, 2012 order.

Accordingly, pursuant to the Board's ruling at the telephone conference, opposer is not required to re-serve its discovery responses; however, applicant's responses are due thirty days from the March 11, 2013, telephone conference date.

All further discovery disputes will be heard by telephone conference with the assigned Interlocutory Attorney. Depending on the dispute, the Board may hear the matter orally, or require further briefing of any discovery matters by the parties.

The parties should consider using a courtesy copy of electronic service (facsimile or e-mail) in conjunction with first class mail should there be any question regarding receipt of service copies.

Dates remain as last reset.