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

Proceeding	91206026
Party	Plaintiff Victualic Company
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Signature	/Bryan P. Sugar/
Date	11/07/2012
Attachments	Shurjoint Request for Clarification.pdf (4 pages)(782432 bytes)

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

Victaulic Company,)	
Opposer,)	
)	Opposition No. 91206026
)	Serial No. 85/502,864
v.)	Mark: SHURJOINT
)	
Shurjoint Piping Products, Inc.,)	
Applicant)	
)	
)	

REQUEST FOR CLARIFICATION

Opposer, VICTAULIC COMPANY, by its attorneys, hereby submits this Request For Clarification.

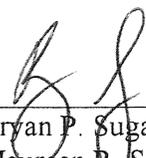
REQUEST

Opposer believes, pursuant to Section 510.03(a) of the TTAB Manual, Applicant's filing of its Motion for Judgment on the Pleadings suspends all discovery in this case, including interrogatory responses, document request responses and productions, and responses to Requests for Admission. Section 510.03(a) of the TTAB Manual states: "When a party to a Board proceeding files a motion which is potentially dispositive of the proceeding, such as a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment, the case will be suspended by the Board **with respect to all matters not germane to the motion.**"

On October 22, 2012, the Board issued an Order to suspend these proceedings pending disposition of applicant's motion for judgment on the pleadings. On October 25, 2012, Applicant's counsel sent an email to Opposer's counsel that states, in pertinent part, "Please note that Order does not address outstanding discovery, and we do not construe the Order to affect Victaulic's obligation to respond to discovery propounded upon it in a timely manner under the rules. We will consider Victaulic's failure to respond to discovery propounded upon it within the 30 days (plus mailing) under the rules to constitute a waiver of all objections." **Exhibit A.**

In order to avoid a future discovery dispute, Opposer seeks clarification from the Board regarding whether Section 510.03(a) suspends all discovery in this case until after the Board has ruled on the pending Motion for Judgment on the Pleadings.

VICTAULIC COMPANY

By: 
Bryan P. Sugar, Esq.
Maureen R. Smith, Esq.,
Attorneys for Opposer

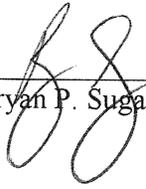
Ungaretti & Harris LLP
Three First National Plaza
70 West Madison –Suite 3500
Chicago, Illinois 60602-4224

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **REQUEST FOR CLARIFICATION** in Opposition No. 91206026 was served upon Applicant by sending a true and correct copy thereof, by first class mail, postage prepaid, to the following attorney of record:

Mark H. Tidman, Esq.
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

on this, the 7th day of November, 2012.



Bryan P. Sugar

Sugar, Bryan P.

From: Tidman, Mark H. <mtidman@bakerlaw.com>
Sent: Thursday, October 25, 2012 1:31 PM
To: Sugar, Bryan P.
Cc: Solis, Tina B.; DC IP Docketing
Subject: Opposition No. 91206026

Bryan,

During our 26(f) conference on October 5, you indicated that you would be serving discovery along with Victaulic's initial disclosures. Please be advised that while we received the service copy of the disclosures, we did not receive any discovery requests. We assume none were served.

We also note that the Board issued an Order on October 22, 2012 suspending the proceeding pending decision on our dispositive motion. Please note that Order does not address outstanding discovery, and we do not construe the Order to affect Victaulic's obligation to respond to discovery propounded upon it in a timely manner under the rules. We will consider Victaulic's failure to respond to discovery propounded upon it within the 30 days (plus mailing) under the rules to constitute a waiver of all objections.

Mark

My Bio	Web site	vCard
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Exhibit A