

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

Mailed: April 11, 2008

Cancellation No. 92047740

PETER W. MARDER

v.

NEWSPAPERS FOR WOMEN, INC.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

In accordance with the Board's institution order dated June 29, 2007, the discovery period closed on January 15, 2008. This case now comes up on petitioner's motion, filed February 14, 2008, to compel respondent's responses to petitioner's first set of interrogatories and first request for production of documents, both served on December 3, 2007. Respondent has not filed responses to petitioner's discovery requests or a response to petitioner's motion to compel.

Accordingly, petitioner's motion to compel is granted as conceded. See Trademark Rule 2.127(a). Moreover, respondent, by failing to timely respond to the discovery requests, is deemed to have forfeited its right to object to the requests on their merits. See *Envirotech Corp. v. Compagnie Des Lampes*, 219 USPQ 448 (TTAB1979). Thus, respondent is allowed **THIRTY DAYS** from the mailing date of this order to respond to petitioner's outstanding

first set of interrogatories and first request for production of documents without objection.<sup>1</sup>

Proceedings are resumed. Trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	CLOSED
30-day testimony period for party in position of plaintiff to close	July 15, 2008
30-day testimony period for party in position of defendant to close:	September 13, 2008
15-day rebuttal testimony period to close:	October 28, 2008

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.

\*\*\*

---

<sup>1</sup> Respondent is not required to produce privileged documents or provide privileged information, as its right to claim privilege has not been waived. See e.g., *American Standard, Inc. v. Pfizer*, 3 USPQ2d 1817 (CAFC 1987). However, where a claim of privilege is invoked, a party must make the claim expressly and provide a description or privilege log, unless the parties otherwise agree.