

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

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Mailed: January 20, 2011

Cancellation No. **92052314**

Mother Parker's Tea & Coffee,
Inc.

v.

Café Mystique Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On January 7, 2011, the Board held a telephone conference to hear argument and rule on respondent's motion (filed January 6, 2011) for extension of discovery and subsequent dates. Priscilla Dunckel, Esq. appeared as counsel for petitioner and Oren Gelber, Esq. and Thomas Gulick, Esq. appeared as counsel for respondent.

At the outset, the Board reminded the parties of their duty to cooperate with one another in the discovery process, i.e., to make a good faith effort to satisfy the discovery needs of the other party and to seek only such discovery as is proper and relevant to the issues in the case. In view thereof, the Board then inquired as to the

parties' willingness to resolve the discovery disputes relating to respondent's motion.

After a lively discussion of the issues each party had with the discovery taken and/or requested by each side, the parties expressed their belief that they could reach a mutually agreeable arrangement to resolve their outstanding discovery issues without resort to the Board's ruling on respondent's pending motion. To that end, the Board adjourned the conference until the end of the day to allow the parties the opportunity to discuss and resolve their differences.

At the close of the business day, the parties again conferenced with the Board and relayed their agreement on the following:

- respondent withdraws its pending motion for extension¹
- respondent will supplement its discovery responses by January 7, 2011;
- respondent agrees to provide petitioner with written assurances as to the limit and scope concerning customer identity prior to petitioner's scheduled deposition but agrees to identify two customers by January 7, 2011;
- petitioner will take its 30(b)(6) deposition on January 11, 2011;
- petitioner will supplement its discovery responses by January 12, 2011;
- respondent will take its 30(b)(6) deposition on January 25, 2011;

¹ The Board notes that respondent filed (on January 7, 2011) a formal withdrawal of its motion to extend.

- petitioner agrees to extend the close of discovery until January 31, 2011.

Accordingly, dates are reset as follows:

Discovery Closes	1/31/2011
Plaintiff's Pretrial Disclosures Due	3/17/2011
Plaintiff's 30-day Trial Period Ends	5/1/2011
Defendant's Pretrial Disclosures Due	5/16/2011
Defendant's 30-day Trial Period Ends	6/30/2011
Plaintiff's Rebuttal Disclosures Due	7/15/2011
Plaintiff's 15-day Rebuttal Period Ends	8/14/2011

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.

The Board thanks the parties for their efforts in resolving their discovery issues. In view of respondent's withdrawal, no further consideration will be given to the pending motion.

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