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

American Honda Motor Co., Inc.,

v. TBC Corporation,

Opposer,

Applicant.

Opposition No. 121,151



12-18-2002

U.S. Patent & TMO, TM Mail, Rpt Dt. #76

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COMM. DIV.

**MOTION TO SUSPEND PROCEEDINGS AND
MOTION TO EXTEND OPPOSER'S DISCOVERY PERIOD**

Opposer hereby respectfully requests a suspension of these proceedings pending the Board's resolution of Applicant's Motion for Reconsideration and Opposer's Request for a Telephone Conference. In addition, Opposer hereby respectfully requests an extension of forty-five (45) days with respect to its Discovery period, which is currently set to close on December 15, 2002. Specifically, Opposer requests that the discovery period be set to close at least forty-five (45) days after issuance of the Board's Order deciding Applicant's Motion for Reconsideration and Opposer's Request for a Telephone Conference, or on any later date that the Board selects. It is further requested that all other dates be correspondingly extended.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

December 15, 2002

Date of Deposit

Irene Hudson

Signature

Irene Hudson

Typed or Printed Name of Person Signing Certificate

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Request for Suspension of Proceedings

Pursuant to § 510 of the Trademark Manual of Examining Procedure (TMEP), “[p]roceedings may also be suspended, for good cause, upon motion”

Opposer submits that there is sufficient good cause present to support a suspension of these proceedings. Presently before the Board are: (1) Applicant’s Request for Reconsideration of the Reopening of Discovery; and (2) Opposer’s Request for Telephone Conference with Respect to Applicant’s Near Total Failure to Respond to Opposer’s Jan. 18, 2001 Request for Discovery. Both requests have been fully briefed and are currently awaiting resolution.

Given the parties’ diametrically opposed views of the procedural status of this matter (i.e.: Opposer would like to confer with Applicant and proceed with discovery, whereas Applicant contends that the discovery period is closed), Opposer’s continued efforts to proceed with discovery and inspect Applicant’s documents would be futile. (Indeed, Opposer’s recent requests to proceed with discovery resulted in Applicant’s request that the Board reconsider its order re-opening discovery!)

Request for Enlargement of Discovery Period

Pursuant to TMEP § 509, “the court for cause shown may at any time in its discretion . . . [upon] motion or notice order the period enlarged if request therefor is made before the expiration of the period . . . as extended by a previous order....”

Opposer’s request for enlargement of the discovery period is timely because it is being made before the expiration of the period as extended by a previous order.

The Board’s September 4, 2002 Order of the Board set the Discovery Period to close on December 15, 2002. Opposer submits that there is sufficient good cause present

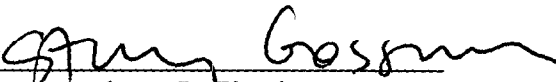
to support an extension of the Discovery period: such an extension will ensure that Opposer will have sufficient time to engage in discovery after the Board rules on the two pending Requests. (The nature of discovery required is described in Opposer's Request for Telephone Conference.) Opposer requests that discovery be extended until at least 45 days after the date upon which the Board enters its Order with respect to the two pending Requests.

Conclusion

Opposer believes that this motion has little impact on the status quo. If the Board denies Applicant's Request to Reconsider the Re-Opening of Discovery (the effect of which would be to allow discovery to proceed), the Opposer would be entitled to some amount of time in which to complete discovery. Since the present discovery period will have closed by the time that the Board issues its Order (i.e.: December 15, 2002), and since Applicant has not complied with Opposer's discovery requests, the discovery period must be enlarged to give the Board's order meaning.

It is, therefore, respectfully requested that the proceedings be suspended and that the additional time for discovery be allowed pending the Board's resolution of: (1) Applicant's Request for Reconsideration of the Reopening of Discovery; and (2) Opposer's Request for Telephone Conference with Respect to Applicant's Near Total Failure to Respond to Opposer's Jan. 18, 2001 Request for Discovery.

FISH & RICHARDSON P.C.
Attorneys for Respondent

By 

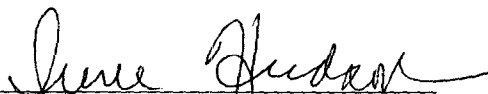
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Dated: December 14, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of December 2002 served one copy of the foregoing MOTION TO SUSPEND PROCEEDINGS AND MOTION TO EXTEND OPPOSER'S DISCOVERY PERIOD upon Applicant's counsel, by causing the same to be mailed, first class postage prepaid to:

Matthew J. Cuccias, Esq.
Jacobson Holman PLLC
400 Seventh Street, NW
Washington, DC 20004

By: 
Irene Hudson

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