

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513**

Greenbaum

Mailed: November 24, 2003

Cancellation No. 91121151

AMERICAN HONDA MOTOR CO.,  
INC.

v.

TBC CORPORATION

Cindy B. Greenbaum, Attorney:

Pursuant to the May 2, 2003 Board order, opposer's testimony period opened on September 16, 2003. This case now comes up on opposer's motion to test the sufficiency of applicant's responses to opposer's requests for admission, and opposer's combined motion to suspend proceedings and extend opposer's testimony period. The parties have fully briefed the issues.<sup>1</sup>

Inasmuch as opposer filed said motion on September 26, 2003, ten days after opposer's testimony period opened, the motion is denied as untimely. See Trademark Rule 2.120(h)(1). Additionally, the motion is denied for failure to include a statement of opposer's good faith effort to resolve the discovery dispute prior to filing said motion.

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<sup>1</sup> Applicant's consented motion to extend its time to file a response to opposer's discovery motion is granted.

Id. However, applicant is reminded of its continuing obligation to supplement its responses to opposer's discovery requests. Fed. R. Civ. P. 26(e).

Further, because opposer has not established good cause for an extension of its testimony period, the motion to extend also is denied. However, in an exercise of the Board's discretion, the Board deems proceedings to have been suspended on September 26, 2003, the date on which opposer filed its discovery motion. See Trademark Rule 2.120(h)(2). Accordingly, twenty days remain in opposer's testimony period.

In view of the foregoing, applicant's motion to suspend is moot.

Trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE:	<b>CLOSED</b>
TWENTY-day testimony period for party in position of plaintiff to close:	<b>January 15, 2004</b>
Thirty-day testimony period for party in position of defendant to close:	<b>March 15, 2004</b>
Fifteen-day rebuttal testimony period to close:	<b>April 29, 2004</b>

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.

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Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.