

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

Mailed: August 11, 2006

Opposition No. 91150173
Cancellation No. 92040569
Cancellation No. 92040794

SAINT-GOBAIN CORPORATION

v.

UNOVA INDUSTRIAL AUTOMATION
SYSTEMS, INC.

Cindy B. Greenbaum, Attorney:

In its motion to compel, filed March 20, 2006, defendant sought responses to its complete first set of interrogatories served in Cancellation No. 92040794, and to interrogatory nos. 56, 60 and 61 in Opposition No. 91150173. On June 15, 2006, plaintiff responded to defendant's motion to compel by stating that on June 15, 2006, it had served on defendant answers to the interrogatories that were the subject of plaintiff's motion to compel. Accordingly, on June 22, 2006, the Board denied defendant's motion to compel as moot.¹

On July 3, 2006, defendant filed a "reply" regarding its motion to compel, pointing out the deficiencies in plaintiff's

¹ The Board hereby modifies the June 22, 2006 order to reverse the parties in the first full sentence thereof, and to change to June 15, 2006 the noted date of plaintiff's response to the motion to compel.

interrogatory responses. However, because plaintiff remedied defendant's original complaint by responding to the subject interrogatories on June 15, 2006, defendant's July 3, 2006 filing is, in fact, a new motion to compel, and is subject to the provisions of Trademark Rule 2.120(e)(1). Inasmuch as defendant made absolutely no effort to resolve the discovery dispute of which it complains in its July 3, 2006 motion to compel, plaintiff's motion to strike is granted, and defendant's motion to compel is denied.

In view of the potentially confusing status of this proceeding during the period between June 22, 2006 and the mailing date of this order, discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: October 30, 2006

Thirty-day testimony period for party in position of plaintiff to close: January 28, 2007

Thirty-day testimony period for party in position of defendant to close: March 29, 2007

Fifteen-day rebuttal testimony period to close: May 13, 2007

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.