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Filing date: **11/02/2005**

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

Proceeding	91151693
Party	Plaintiff Pharmacia Corporation and Pfizer Caribe PHARMACIA & UPJOHN CARIBE INC P.O. Box 1360 PRX Dorado, PR 006461360
Correspondence Address	J. Paul Williamson Fulbright & Jaworski LLP Market Square 801 Pennsylvania Avenue, N.W. Washington, DC 20004-2623
Submission	Opposers' Statement on the Status of Opposers' Motion to Compel Discovery
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Filer's e-mail	wotrademark@fulbright.com
Signature	/KMD/
Date	11/02/2005
Attachments	91151693.pdf (4 pages)

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

Pharmacia Corporation and
Pfizer Caribe Limited,

Opposers,

v.

Stratus Pharmaceuticals Inc.,

Applicant.

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Opposition No. 91151693

Application Serial No. 78/069,088

**OPPOSERS' STATEMENT ON THE STATUS OF
OPPOSERS' MOTION TO COMPEL DISCOVERY**

Opposers recognize that this filing is technically outside the time frame for a reply to the Applicant's Response to Opposer's [sic] Motion to Compel Discovery, based on when that Response was filed. However, while Opposers were given a draft of the Response, and later noted the filing through the Trademark Trial and Appeal Board database, Opposers have never received a service copy of the Response. Further, Opposers felt compelled to delay filing a reply to Applicant's Response in anticipation that Applicant's responsive documents would be forthcoming. They have not.

As noted, Opposers have been able to review the entire Response using the Trademark Trial and Appeal Board Inquiry System and would point out that the version of the Applicant's Answers to First Set of Interrogatories filed with the Board differs from the version that was served on Opposers' counsel prior to the Response being filed at the Board. In its Response to the Motion to Compel Discovery, Applicant specifically indicated that responsive documents were being mailed on October 11, 2005. Three weeks have passed since this date and no documents have been received. On October 28, 2005, Opposers' counsel contacted Applicant's counsel by email to ascertain the status of Applicant's responsive documents and the service

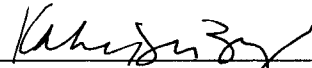
copy of Applicant's Response to Opposers' Motion to Compel. See attached Exhibit. Applicant's counsel has not responded to this email.

Applicant's failure to serve a copy of the Response to the Motion to Compel and to produce written documents and things in response to Opposers' discovery requests that were the subject of the Motion to Compel, reflects that the Motion to Compel is not moot.

Respectfully submitted,

PHARMACIA CORPORATION and
PFIZER CARIBE LIMITED

Date: November 2, 2005

By: 

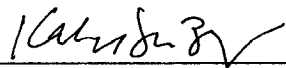
J. Paul Williamson, Esq.
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Attorneys for Opposers

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing "Opposers' Statement on the Status of Opposers' Motion to Compel Discovery" was served this 2nd day of November, 2005, via first class mail to the Applicant, as follows:

Amaury Cruz
Sanchelima & Associates, P.A.
235 S.W. Le Jeune Rd.
Miami, FL 33134-1762
Telephone: 305-447-1617
Facsimile: 305-445-8484



Katherine M. DuBray

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

Opposition No. 91151693
Pharmacia Corporation and Pfizer Caribe Limited v. Stratus Pharmaceuticals Inc.

EXHIBIT

Opposers' Statement on the Status of Opposers' Motion to Compel Discovery

DuBray, Katherine M.

From: DuBray, Katherine M.
Sent: Friday, October 28, 2005 3:18 PM
To: 'Amaury Cruz, Esq.'
Cc: Williamson, J. Paul
Subject: Opposition - Pharmacia Corporation and Pfizer Caribe Limited v. Stratus Pharmaceuticals;
Our Ref: PHRC:411

Dear Amaury,

Please be advised that as of today's date, we have not received a service copy of the Applicant's Response to Opposers' Motion to Compel Discovery or any of Stratus Pharmaceuticals' responsive documents. We were able to download a complete copy of the Response to Opposers' Motion to Compel from the TTAB web site, but, even though the certificate of service indicates that it was mailed to our office on October 11, the service copy of this document has not been received.

Your previous correspondence indicated that responsive documents were mailed to our office on October 11 and we received and responded to your email of October 13 concerning produced documents to be marked "CONFIDENTIAL," however, no documents have been received. Could you please let us know how these documents were sent to us and when we can expect to receive them?

Thank you very much,

Kate DuBray

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