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

CHAMPAGNE LOUIS ROEDERER,	:	
Opposer,	:	Opposition No. 91155105
v.	:	
J. GARCIA CARRION, S.A.,	:	
Applicant.	:	

11-28-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #76

APPLICANT'S REPLY TO OPPOSER'S OPPOSITION TO APPLICANT'S MOTIONS TO STRIKE OPPOSER'S RELIANCE UPON ADMISSIONS, TO WITHDRAW ADMISSIONS, FOR CONTINUANCE PURSUANT TO FEDERAL RULE 56(f) FOR ENLARGEMENT OF THE DISCOVERY AND TRIAL SCHEDULE AND FOR AN ENLARGEMENT OF THE TIME FOR APPLICANT TO PROVIDE DISCOVERY RESPONSES

Applicant, J. Garcia Carrion, S.A., hereby replies to Opposer's opposition papers dated November 3, 2003.

Opposer's opposition papers, which are unsupported by any Affidavit or Declaration, assert that if Applicant's Motions are granted, "... the result of this proceeding is not likely to change". In making such a statement, Opposer attempts to imply that Applicant has no interest in defending the proceeding. This is contrary to the facts. Applicants would not have expended the time and incurred the costs necessary for preparing and filing its Motions if it had no intent to defend the proceedings. To the

contrary, the granting of Applicant's Motions will allow for a disposition of the proceeding on the merits.

It is also contradictory for Opposer to dismiss Applicant's asserted need for further time to respond to voluminous Discovery Requests when Opposer previously obtained two hundred and forty (240) days of extensions of time to oppose Applicant's application. Opposer's position of opposing any and all requests for extensions of time sought by Applicant in the face of Applicant's prior granting of consent to Opposer's extensions of time to file a Notice of Opposition also show a lack of professional courtesy.

Opposer has also demonstrated no prejudice resulting from Applicant's Motions. Opposer has pointed only in a conclusory fashion to the desire to obtain a judgment based upon procedural technicalities rather than on the merits. In view of the fact that this case is in its early stages, there will be no prejudice to Opposer from the granting of Applicant's Motions.

Lastly, Opposer's assertion that Applicant has failed to adequately set forth the discovery needed under Federal Rule 56(f) is completely without merit. Applicant's Declaration accompanying Applicant's Motion specifies with particularity the information and materials in the possession of Opposer which are needed in order to adequately respond to the Motion for Summary Judgment.

In view of the foregoing, it is respectfully requested that Applicant's Motions be granted in all respects.

Dated: New York, New York
November 24, 2003

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

11/24/03
Charles P LaPolla
(Type or print name of person certifying)

Signature

11/24/03
Date of Signature

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **APPLICANT'S REPLY TO OPPOSER'S OPPOSITION TO APPLICANT'S MOTIONS TO STRIKE OPPOSER'S RELIANCE UPON ADMISSIONS, TO WITHDRAW ADMISSIONS, FOR CONTINUANCE PURSUANT TO FEDERAL RULE 56(f) FOR ENLARGEMENT OF THE DISCOVERY AND TRIAL SCHEDULE AND FOR AN ENLARGEMENT OF THE TIME FOR APPLICANT TO PROVIDE DISCOVERY RESPONSES** was served on Opposer by forwarding same to Opposer's counsel set forth below at the address shown by First Class Mail, postage prepaid, on this 24 th day of November, 2003:

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