

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

Mailed: September 24, 2005

Opposition No. **91157923**

Georgia-Pacific Corporation
and Fort James Operating
Company

v.

Solo Cup Company

Frances S. Wolfson, Interlocutory Attorney:

On August 2, 2005, applicant filed a combined motion to compel opposer to produce a witness to testify with respect to opposer's financial information and to extend the discovery period to enable applicant to obtain an expert to review the information.¹ The motion has been fully briefed.²

Applicant contends that opposer has failed to produce a witness knowledgeable as to certain topics set forth in the Schedule that accompanied applicant's "Amended Notice of Rule 30(b)(6) Deposition of Georgia-Pacific Corporation." These topics are numbered 3-7 and 31 and 32 in the Schedule. Opposer contends that the two witnesses it produced in

¹ We note that applicant's motion does not request further written document production from opposer.

² We have considered applicant's reply brief as it clarifies the issues before us. See Trademark Rule 2.127(a).

response to the Notice were competent with respect to topics 3-7, 31 and 32, and that they testified with regard thereto.

Copies of portions of the deposition transcripts were submitted by opposer under seal, and the Board has carefully reviewed the submitted portions of testimony. Given the highly confidential nature of the witnesses' testimony, we will not discuss it here, but we presume the parties and their attorneys are familiar with the contents thereof. Upon careful review of the testimony itself, of the parties' arguments and further evidence presented by the parties, we find that the witnesses were competent to discuss the issues presented in topics 6 and 7 and that applicant is not entitled to conduct a further deposition on those topics. Applicant is entitled to further discovery on topics 3, 4, 6, 31 and 32. However, to the extent opposer's witness has explained the information provided in documents produced by opposers bearing production numbers OPP 0000742 through OPP 0000794, applicant may not duplicate its questioning of any additional witness.

Accordingly, applicant's motion to compel opposer to produce a witness with respect to topics 3, 4, 6, 31 and 32 is granted. Applicant's motion to compel opposer to produce a witness with respect to topics 5 and 7 is denied.

Applicant has also shown good cause for extending the discovery period for the limited purpose of allowing it time

to conduct the requested deposition and to obtain an expert to assist applicant with interpreting opposer's financial information. In view thereof, applicant's motion to extend is hereby granted.

Trial dates, including the close of discovery, are reset as indicated below. Discovery is open for the limited purpose as discussed *supra*.

DISCOVERY PERIOD TO CLOSE: **November 1, 2005**

30-day testimony period for party in the position of plaintiff to close: **January 30, 2006**

30-day testimony period for party in the position of the defendant to close: **March 31, 2006**

15-day rebuttal period for party in the position of the plaintiff to close: **May 15, 2006**

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.