

ESTTA Tracking number: **ESTTA60887**

Filing date: **01/09/2006**

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

Proceeding	91157923
Party	Plaintiff Georgia-Pacific Corporation and Fort James Operating Company
Correspondence Address	Timothy M. Kenny FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400 Austin, TX 78701  aotrademark@fulbright.com
Submission	Other Motions/Papers
Filer's Name	Carrie L. Johnson
Filer's e-mail	aotrademark@fulbright.com
Signature	/Carrie L. Johnson/
Date	01/09/2006
Attachments	gepa007motion to suspend.pdf ( 4 pages )

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

GEORGIA-PACIFIC CORPORATION )  
and FORT JAMES OPERATING )  
COMPANY, )  
 )  
Opposers, )  
 )  
v. )  
 )  
SOLO CUP COMPANY, )  
 )  
Applicant. )  
 )

Opposition No. 91157923

**OPPOSERS' MOTION TO SUSPEND PROCEEDINGS PENDING DISPOSITION OF  
OPPOSERS' MOTION TO MODIFY THE PROTECTIVE ORDER AND  
RE-DESIGNATE DR. PAUL SINGH'S REPORT AND  
TESTIMONY AS NON-CONFIDENTIAL**

**BOX TTAB – NO FEE**  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposers, Georgia-Pacific Corporation and Fort James Operating Company (“Opposers”), by and through their attorneys, move the Trademark Trial and Appeal Board (the “Board”) to suspend all proceedings pending disposition of Opposers’ Motion to Modify the Protective Order and Re-Designate Dr. Paul Singh’s Report and Testimony as Non-Confidential (“Opposers’ Earlier Motion”). Opposers request that the proceedings be suspended until the Board rules on Opposers’ Earlier Motion and that, thereafter, Opposers be granted a full 30 days for their testimony period. Pursuant to TBMP § 510.03(a), Opposers make this motion on good cause as described below.

Opposers’ testimony period has begun and is scheduled to end on January 30, 2005. However, the Board has not yet ruled on Opposers’ Earlier Motion, and a decision on Opposers’

Earlier Motion is necessary for Opposers to fully plan and execute their testimony period. Opposers' Earlier Motion concerns two issues that are key to Opposers' evaluation and action during the testimony period. First, Opposers' Earlier Motion requests that Opposers' in-house counsel be granted access to all documents and testimony. Opposers' in-house counsel are a critical part of Opposers' litigation team, and whether or not they can view all of Applicant's documents will affect how Opposers move forward with their testimony period. Accordingly, it is important that Opposers have resolution of this question before beginning their testimony period. Second, Opposers' Earlier Motion requests that the Board re-designate the confidentiality level of Applicant's Expert Report of Dr. Paul Singh. As described in Opposers' Earlier Motion, Opposers have, thus far, been prohibited from having their internal personnel review and evaluate Dr. Singh's Report to rebut Dr. Singh's opinions and therefore may require the testimony of an outside expert for that rebuttal. As a result, Opposers can not yet determine whether they will need to present testimony by an outside expert, and it is imperative that Opposers have resolution of this question before proceeding with their testimony period.

Based on the foregoing, Opposers request that the Board suspend the proceedings in this matter until the Board rules on Opposers' Earlier Motion. Opposers further request that the Board grant them a full 30-day testimony period, with the testimony period to start after the Board rules on Opposers' Earlier Motion.

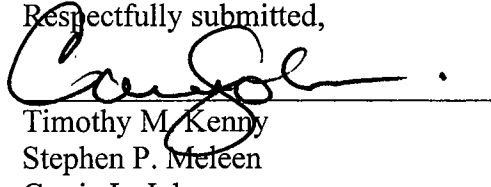
Opposers request that this Motion be resolved by telephonic conference pursuant to TBMP § 502.06(a) and 37 C.F.R. 2.120(i)(1). Time is of the essence in this matter, as Opposers' original testimony period has already begun and a speedy resolution of this matter is necessary to allow Opposers to plan and move forward with their testimony. Accordingly, Opposers request

that such telephonic conference be held, if possible, within 48 hours of their filing of this Motion.

Dated: \_\_\_\_\_

1/9/2006

Respectfully submitted,



Timothy M. Kenny

Stephen P. Meleen

Carrie L. Johnson

FULBRIGHT & JAWORSKI L.L.P.

600 Congress Avenue, Suite 2400

Austin, Texas 78701

(512) 474-5201


ATTORNEYS FOR OPPOSERS  
GEORGIA-PACIFIC CORPORATION AND  
FORT JAMES OPERATING COMPANY

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Opposers' Motion to Suspend Proceedings Pending Disposition of Opposers' Motion to Modify the Protective Order and Re-Designate Dr. Paul Singh's Report and Testimony as Non-Confidential was forwarded to counsel for Applicant, via facsimile and first-class mail, postage prepaid, on January 9, 2006, as follows:

Linda A. Kuczma, Esq.  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive  
53rd Floor  
Chicago, Illinois 60606-6630

Facsimile: (312) 554-3301

  
Jaime C. Davis