

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: BOX TTAB – NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the date below:

12/16/03
Date

Jaime P. Davis
Signature

**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



12-22-2003

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #78

Opposers' Motion to Extend Time for Opposer's Response to Discovery Requests

Pursuant to 37 C.F.R. § 2.120(a), TBMP § 403.04, and Fed. R. Civ. P. 6(b), Opposers, Georgia-Pacific Corporation and Fort James Operating Company ("Opposers"), request that the Board extend the time for Opposers to reply to pending discovery requests from Applicant, Solo Cup Company's ("Applicant"), by forty-five (45) days. Opposers' discovery responses are currently due on December 16, 2003. Opposers move for extension of this date to January 30, 2004.

BACKGROUND

On or about November 11, 2003, Applicant submitted separate discovery requests to each Opposer. These discovery requests included Applicant's First Set of Interrogatories and First Request for Production of Documents and Things. The current deadline for Opposers' responses

to these requests is December 16, 2003. Each of these discovery requests seeks a significant amount of information from each Opposer. Applicant's interrogatories seek information regarding twenty-eight topics, and Applicant's document requests seek documents pertaining to twenty-three topics. The requested responsive information and documents need to be gathered from multiple individuals from at least two of Opposers' facilities (Atlanta, Georgia and Lehigh Valley, Pennsylvania).

Counsel for Opposers spoke to Applicant's counsel and requested that Applicant stipulate to a 45-day extension of time for Opposers to respond. Applicant's counsel indicated that Applicant would so stipulate only on certain conditions. These conditions are not acceptable to Opposers.

ARGUMENT

Under the provisions of 37 C.F.R. § 2.120(a), TBMP § 403.04, and Fed. R. Civ. P. 6(b), it is within this Board's purview to grant a motion for extension of time to respond to discovery requests "for cause shown." Opposers set forth not only "cause," but "good cause" for the extension below.

As noted *supra*, the amount of information and documentation requested by Applicant is significant. In order to gather all of the requested responsive information and documents, Opposers' counsel are speaking to multiple individuals in at least two of Opposers' facilities (in Atlanta and Lehigh Valley). The thirty day period originally allowed Opposers for gathering information and documents responsive to Applicant's discovery requests is not adequate for completion of Opposers' investigation and responses, particularly in view of the fact that, as a practical matter, one week of the original thirty-day response period essentially was lost due to the Thanksgiving holiday.

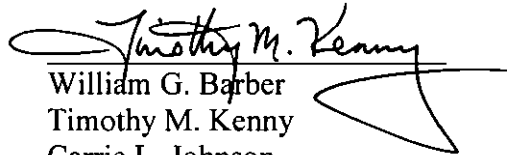
Additionally, in making the request for a 45-day extension rather than the more standard 30-day request, Opposers ask the Board to note the upcoming Christmas and New Year's holidays. Once again, as a practical matter, due to employee vacations and facility shut-downs over the next few weeks, Opposers will have a difficult time conducting further investigation and obtaining documents between December 24, 2003 and January 5, 2004. Opposers not only need time to continue gathering the appropriate documents and things, but Opposers' counsel will need time to review the documents and information, process the documents, formulate written responses and serve them on Applicant. With the intervening holidays, Opposers believe that a 45-day extension is necessary to adequately complete their responses. As such, Opposers ask this Board grant a forty-five day extension with all discovery responses to be completed by January 30, 2004. Opposers do **not** seek an extension of the deadline for the discovery period in this proceeding, which is currently April 17, 2004.

CONCLUSION

For the foregoing reasons, Registrant respectfully requests that the TTAB extend the deadline for Opposers' responses to Applicant's First Set of Interrogatories and First Set of Document Requests.

Dated: 16 December 2003.

Respectfully submitted,



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ATTORNEYS FOR OPPOSERS
GEORGIA PACIFIC CORPORATION AND
FORT JAMES OPERATING COMPANY

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of Opposers' Motion to Extend Time for Opposer's Response to Discovery Requests has been served upon Linda A. Kuczma, this 16th day of December 2003, directed to counsel at the following address and in the below-stated manner:

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

**VIA FIRST CLASS MAIL
(POSTAGE PRE-PAID)
AND EMAIL TO lkuczma@www.com**

DATED: December 16, 2003

Jaime C. Harris

TTAB

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37 C.F.R. 1.8

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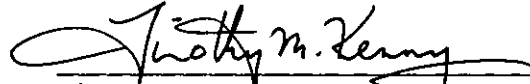
Commissioner:

Transmitted herewith is the original of the following document:

1. Opposers' Motion to Extend Time for Opposer's Response to Discovery Requests.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. § 2.6 be deemed necessary for any reason relating to these papers, the Commissioner for Trademarks is hereby authorized to deduct said fees from Fulbright & Jaworski L.L.P.'s Deposit Account No. 50-1212/10308254(GEPA:007/TMK). Please date stamp and return the enclosed postcard acknowledging receipt of this material.

Dated: December 16, 2003



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