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37 C.F.R. 1.8

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03/19/04

Date

Valerio A. Kelona

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



03-22-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #22

**Applicant's Motion to Extend Time for Applicant's Response to Discovery Requests**

Pursuant to 37 C.F.R. § 2.120(a), TBMP § 403.04, and Fed. R. Civ. P. 6(b), Applicant, Solo Cup Company ("Applicant"), requests that the Board extend the time for Applicants to reply to pending discovery requests from Opposers, Georgia-Pacific Corporation and Fort James Operating Company ("Opposers"), by seventeen (17) days. Applicant's discovery responses are currently due on March 19, 2004. Applicant moves for extension of this date to April 5, 2004. Opposers have indicated they do not intend to oppose this Motion.

## **BACKGROUND**

Opposers have served numerous discovery requests to Applicant, including Opposers' First Set of Interrogatories (1-27), First Set of Requests for Production of Documents(1-59), and Things, and First Set of Requests for Admission (1-75). The current deadline for Applicant's responses to these requests is March 19, 2004.

Each of these discovery requests seek a significant amount of information from Applicant. Opposers' Interrogatories seek information regarding more than two dozen topics, Opposers' document requests seek documents pertaining to more than 50 topics, and Opposers' have served 75 Requests for Admission. The requested responsive information and documents need to be gathered from multiple individuals at Applicant's facilities, and such work must take into account the persons schedules for work and absence from work.

By telephone conference, counsel for Applicant requested that Opposers stipulate to a two-week extension of time for Applicant to respond. Opposers' counsel refused Applicant's request, despite the fact that even Opposers have recently needed discovery extension. Opposers have refused to stipulate to the request, but have indicated they do not intend to oppose this Motion.

## **DISCUSSION**

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." Here, Applicant has ample cause for the request.

The extent of information and documentation requested by Opposer is significant. Applicant needs additional time in order to complete investigation of responsive information and documents, and to gather the requested materials. Applicant's counsel is working to gather information from multiple individuals associated with Applicant, and is working to uncover

sources of historic information/documents. The period originally allowed Applicant for gathering information and documents responsive to Opposers' discovery requests is not adequate for the necessary work of this investigation.

Applicant is asking only for a 17-day extension, much less than the 45-day extension Opposers were sought and granted. Applicant needs the additional time to continue gathering the appropriate documents and information, to review the documents and thereby process the information, formulate written responses, and consult with persons at Applicant as they become available. Applicant believes the short 17-day extension is necessary, and poses minimal (if any) burden of delay. Applicant therefore respectfully requests the Board grant the extension with all pending discovery responses to be served by April 5, 2004.

### CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the TTAB extend the deadline for Applicant's responses to Opposers' First Set of Interrogatories, First Set of Document Requests, and First Set of Requests for Admission to April 5, 2004.

Dated: March 19, 2004

Respectfully submitted,

By: Brad Rademaker

Linda A. Kuczma, Esq.

Bradley F. Rademaker, Esq.

Monique A. Morneault, Esq.

WALLENSTEIN, WAGNER & ROCKEY, LTD.

311 South Wacker Dr., 53rd Floor

Chicago, Illinois 60606-6604

Telephone: (312) 554-3300

Facsimile: (312) 554-3301

Attorneys for Applicant

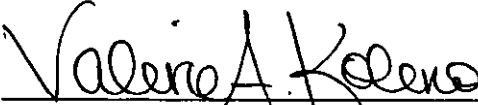
**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of Applicant's Motion to Extend Time for Applicant's Response to Discovery Requests has been served upon counsel for Georgia-Pacific Corporation and Fort James Operating Company, this 19th day of March, 2004, directed to counsel at the following address and in the below-stated manner:

William G. Barber, Esq.  
Timothy M. Kenny, Esq.  
Carrie L. Johnson, Esq.  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701-3248

**VIA FIRST CLASS MAIL  
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DATED: March 19, 2004

  
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Valerie A. Koleno