

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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Mailed: April 15, 2004

Opposition No. 91158034

Hagie Manufacturing Co.

v.

Bayerische Motoren Werke
Aktiengesellschaft

Albert Zervas, Interlocutory Attorney

On February 19, 2004, applicant filed a motion to compel. Because the Board has not received a response from opposer, opposer has conceded opposer's motion under Trademark Rule 2.127(a). Thus, applicant's motion is granted to the extent that opposer is allowed until **thirty** days from the mailing date of this order to serve a response to applicant's first set of document requests without objection, and to produce all responsive documents.

Should opposer fail to comply with this order in the time period allowed above, the Board will entertain a motion for sanctions by applicant. See Trademark Rule 2.120(g).

Additionally, the stipulated protective agreement filed on March 31, 2004 is noted. The parties are referred, as appropriate, to TBMP §§ 412.03 (Signature of Protective

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Order), 412.04 (Filing Confidential Materials With Board), and 412.05 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

Proceedings herein are resumed and trial dates, including the close of discovery, are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	June 20, 2004
30-day testimony period for party in position of plaintiff to close:	September 18, 2004
30-day testimony period for party in position of defendant to close:	November 17, 2004
15-day rebuttal testimony period for plaintiff to close:	January 2, 2005

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 Rule 2.128(a) and (b).

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An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.