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

REPUBLIC OF COLOMBIA and	:	
NATIONAL FEDERATION OF COFFEE	:	
GROWERS OF COLOMBIA,	:	
Opposer,	:	Opposition No. 91/160,327
	:	Serial No. 76/459,180
v.	:	Trademark: CAFÉ DE COLOMBIA etc.
	:	
SPLENDID TREATS LLC,	:	
	:	
Applicant.	:	

APPLICANT'S RESPONSE TO OPPOSERS' PARTIAL MODIFICATION OF ITS
PENDING MOTION TO COMPEL AND SUBMISSION OF SUPPLEMENTAL
INFORMATION GERMANE TO THE MOTION

Applicant Splendid Treats LLC, by and through its undersigned attorney, hereby responds to Opposers' Partial Modification of its Pending Motion to Compel and Submission of Supplemental Information Germane to the Motion dated May 27, 2005. Applicant has carefully reviewed the statements contained therein and can not remain silent to the baseless charges made by Opposer's counsel.

Applicant has made a good faith effort to work out any differences with the Opposers; however, its efforts have not been reciprocated. Applicant's counsel, on May 27, 2005 faxed a letter in reply to Opposers' counsel's May 24, 2005, letter. Copy of Ms. Shultz's letter to Mr. Key dated May 27, 2005, is attached. But rather than place a telephone call to Ms. Shultz in an attempt to resolve any issues or wait until at least the end of the day on May 27, Mr. Key rushed to file his submission.

Applicant holds firm its belief that the original Motion to Compel was without merit and believes that this submission is equally baseless.



06-15-2005

DOCUMENT REQUESTS

In the closing days of 2004, Applicant suggested the mutual exchange of documents by the parties. Opposer ignored Applicant's proposal and instead filed the motion to compel. It was not until April 21, 2005, that the Opposer's counsel stated "we are willing to agree to the mutual exchange of documents that you have previously suggested." See Exhibit 3 attached to Opposers' subject submission.

Applicant stands by its complete and accurate responses to the document requests. Applicant is unable to produce documents that do not exist. Opposer has placed too much emphasis on the number of pages. The weight of the evidence does not require tonnage. It must be noted that the subject application is based on an intention to use the mark in connection with the named services. Applicant has placed its plans on hold as a result of the uncertainties created by this opposition.

With respect to Document Request No. 24, applicant submitted its response to this request on May 27. It was inadvertently overlooked prior to that date.

DEPOSITIONS

Applicant has never given any indication that it will not produce witnesses for properly noticed depositions. Applicant offered suggested dates, but the Opposers did not go forward with the depositions on those dates or make any suggestions for alternative dates.

INTERROGATORIES

Applicant has served Opposers with its complete and accurate responses to all of the interrogatories. In fact, Applicant has submitted supplemental responses when appropriate.

APPLICANT'S DISCOVERY REQUESTS

Because the Board stated in its order dated April 11, 2005, that the parties should not file any paper, which is not germane to the motion to compel, Applicant will refrain at this time from addressing issues concerning Opposers' responses to Applicant's discovery requests. Applicant is continuing its good faith efforts to resolve these matters prior to filing any documentation for assistance from the Board.

REMARKS

According to 37 CFR §2.120(e), a motion to compel must be supported by a written statement from the moving party that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion and has been unable to reach agreement. Opposers have not met this standard.

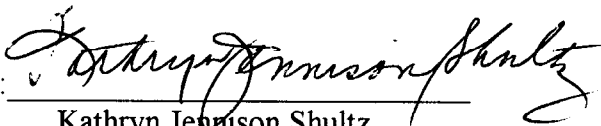
After carefully reading the motion and the partial modification, it is apparent that the only purpose for their filing is to delay this proceeding.

Applicant requests that the motion to compel be denied in its entirety.

Respectfully submitted,

SPLENDID TREATS LLC

Date: June 14, 2005

By: 

Kathryn Jennison Shultz
JENNISON & SHULTZ, P.C.
2001 Jefferson Davis Highway - Suite 1102
Arlington, Virginia 22202
Telephone: (703) 415-1640
Attorneys for Registrant

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May 27, 2005

Cecil E. Key, Esq. via Facsimile Transmission
Dewey Ballantine LLP (202) 862-1093
1775 Pennsylvania Avenue, N.W. Confirmation via First Class Mail
Washington, D.C. 20006-4605

Re: Opposition No. 91/160,327
Republic of Colombia and National Federation of Coffee Growers of Colombia
v. CAFÉ DE COLOMBIA THE WORLD'S BEST COFFEE RESTAURANT
& CAFÉ and Design (Serial No. 76/459,180)

Dear Cecil:

We acknowledge receipt of Jason Clark's letter dated May 2, 2005, by which you forwarded the opposers' document production and informed us that there are additional documents in your New York office that are available for inspection. According to our agreement, all of the document production was to be sent to our mutual offices. You should at least provide us with a listing of the documents that you have not produced at this time. The opposers should immediately produce the responsive documents that they have owed us for months. Moreover, it is noted that the documents that were produced are not identified in accordance with the instructions set out in the requests.

By letter dated April 26, 2005, we pointed out specific deficiencies with opposers' discovery responses. It has been over one month and we have not received any reply to our letter. The opposers should address these deficiencies immediately.

With to our requests outlined above and in our April 26 letter, we ask your compliance no later than June 6. If the opposers do not correct the deficiencies, applicant will have no choice but to file all necessary documentation with the Board.

We have carefully reviewed the comments contained in your letter dated May 23, 2005, and find them without merit. First and foremost, our clients have never shown an unwillingness to attend properly noticed depositions. Your statement "particularly in light of the refusal to produce noticed deponents" is blatantly false. In December 2004, they suggested several days for the depositions and you did not concur with any of them or suggest any alternative dates. When we suggested, during the course of this proceeding, extending dates or suspending the proceeding to resolve any disputed matters, you refused. In fact, you filed the motion to compel rather than making any good faith effort to work out a resolution. In our opinion, the Board should deny your motion for this reason alone.

Cecil E. Key, Esq.
Dewey Ballantine LLP

May 27, 2005
Page Two

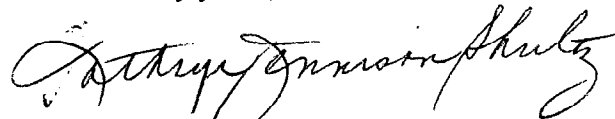
With respect to your request for discovery deposition dates, we are awaiting instructions from the Board and our client. Your interpretation of the Board's April 12, 2005 order is different from ours. As you are aware, you have not proposed or noticed any dates since our offer to have the depositions taken on December 9, 10 or 13, 2004.

After conducting complete and thorough searches of its records, Splendid Treats served the opposers with its responses to the discovery requests and has supplemented the responses when appropriate. In accordance with our agreement, our client produced the responsive documents. You have placed too much emphasis on the number of pages of documents produced. The weight of the evidence does not require tonnage. As the records show, Splendid Treats' application is based on an intention to use its trademark in connection with the named services. Due to the uncertainties presented by the subject proceeding, they have put their plans on hold pending the resolution of this matter. Splendid Treats stands by its complete and accurate responses.

For the first time, you have pointed out that Document Request No. 24 was inadvertently overlooked. Therefore, we are transmitting herewith the response to this request. Responsive documentation has been produced.

We look forward to receiving opposers' supplemental responses and responsive documents. As always, you are invited to call if you wish to discuss these matters.

Sincerely yours,



Kathryn Jennison Shultz

KJS:no
Enclosure

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FACSIMILE TRANSMISSION COVER SHEET

Date: May 27, 2005

To: Cecil E. Key

Company or Firm Name: Dewey Ballantine LLP

Recipient's Facsimile Numbers: (202) 862-1093

From: Kathryn Jennison Shultz

Number of pages (including this cover sheet): 5

Message:

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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

REPUBLIC OF COLOMBIA and NATIONAL)	
FEDERATION OF COFFEE GROWERS OF)	
COLOMBIA,)	
Opposer,)	
)	
v.)	Opposition No. 91/160,327
)	(Ser. No. 76/459,180)
SPLENDID TREATS, LLC)	
Applicant.)	
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APPLICANT'S RESPONSE TO OPPOSERS' REQUEST
FOR PRODUCTION OF DOCUMENTS AND THINGS

Applicant, Splendid Treats, LLC, (hereafter "Applicant"), hereby responds to Opposers' Request for Production of Documents and Things.

GENERAL OBJECTIONS

A. Applicant objects to Opposer's definitions and requests insofar as they are overly broad, unduly burdensome, oppressive, and otherwise seek to impose a greater obligation upon Applicant than that imposed by the Federal Rules of Civil Procedure.

B. Applicant objects to Opposer's definitions and document requests insofar as they seek information that is irrelevant and/or unlikely to lead to the discovery of admissible evidence.

C. Applicant objects to Opposer's definitions and document requests insofar as they seek, or a response would disclose, information subject to the attorney-client privilege or work product doctrine or which is otherwise protected under the Federal Rules of Civil Procedure.

D. Applicant objects to Opposer's definitions and document requests insofar as they seek information that is not in the possession or control of Applicant.

APPLICANT'S RESPONSES

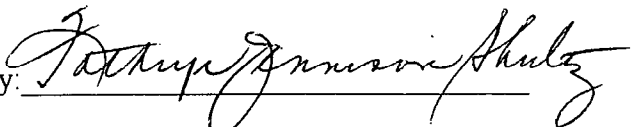
Each of the following responses to Opposer's requests for production of documents (i) incorporates the foregoing general objections and (ii) is given subject to and without waiving such general objections.

Request No. 24: Each and every document evidencing the use of the Applied-For Trademark, or any mark containing the word "Colombia" or "Colombian" or the phrase "The World's Finest Coffee", by Splendid Treats.

Response: Applicant objects to this request to the extent that it seeks information protected by the attorney-client privilege, the work-product doctrine or other privileges or immunities. Without waiving any objection, Applicant will provide copy of the file wrapper and contents for its application to register the trademark CAFÉ DE COLOMBIA THE WORLD'S FINEST COFFEE RESTAURANT & CAFÉ, if opposers do not already have a copy, subject application. Applicant does not have any responsive documents with respect to the term "Colombian."

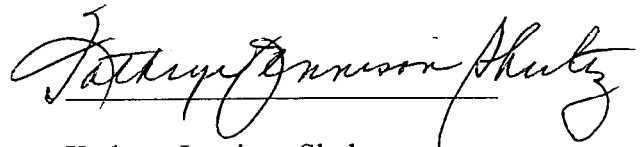
SPLENDID TREATS, LLC

Date: May 27, 2005

By: 
Kathryn Jennison Shultz

CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing APPLICANT'S RESPONSE TO OPPOSERS' REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS was served upon Opposers Republic of Colombia and National Federation of Coffee Growers of Colombia, by forwarding same via Facsimile Transmission at (202) 862-1093 and via First Class Mail, postage prepaid, to Opposer's attorney of record, Cecil E. Key, Esq. at Dewey Ballantine LLP, 1775 Pennsylvania Avenue, N.W., Washington, D.C. 20006-4605, this 27th day of May, 2005.

A handwritten signature in cursive script, reading "Kathryn Jennison Shultz", written over a horizontal line.

Kathryn Jennison Shultz

OK	ECM	00H01'S1"	006	16:23	MAY.27	2028621093	01	TX	0943
RESULT	MODE	DURATION	PAGE	TIME	DATE	DESTINATION STATION	NO.	FUNCTION	SESSION

NAME: JENNISON & SHULTZ PC
 TEL: 7034150788
 DATE: MAY.27.2005 16:25

TX RESULT REPORT

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I hereby certify that true and complete copy of the foregoing APPLICANT'S RESPONSE TO OPPOSERS' PARTIAL MODIFICATION OF ITS PENDING MOTION TO COMPEL AND SUBMISSION OF SUPPLEMENTAL INFORMATION GERMANE TO THE MOTION was served upon Opposers Republic of Colombia and National Federation of Coffee Growers of Colombia, by forwarding same via First Class Mail, postage prepaid, to Opposer's attorney of record, Cecil E. Key, Esq. at Dewey Ballantine LLP, 1775 Pennsylvania Avenue, N.W., Washington, D.C. 20006-4605, this 14 day of June, 2005.



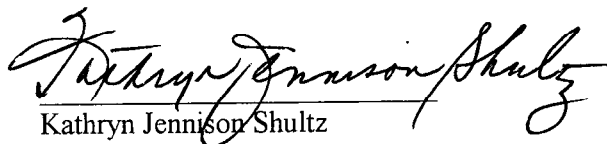
Kathryn Jennison Shultz

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT COPY OF APPLICANT'S RESPONSE TO OPPOSERS' PARTIAL MODIFICATION OF ITS PENDING MOTION TO COMPEL AND SUBMISSION OF SUPPLEMENTAL INFORMATION GERMANE TO THE MOTION IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:

COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VIRGINIA 22313-1451

ON THIS 14TH DAY OF JUNE, 2005.



Kathryn Jennison Shultz