

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: March 30, 2005

Opposition No. 91160327

Republic of Colombia and  
National Federation of  
Coffee Growers of Colombia

v.

Splendid Treats LLC

**Cindy B. Greenbaum, Attorney:**

**MOTION TO COMPEL**

Pursuant to the August 29, 2004 Board institution order, opposer's 30 day testimony period was scheduled to close on February 13, 2005. On January 15, 2005, opposer filed a motion to compel. Opposer's motion bears a certificate of mailing dated January 14, 2005, i.e., the date on which opposer's testimony period opened.

Trademark Rule 2.120(e) requires a moving party to file a motion to compel "prior to the commencement of the first testimony period as originally set or as reset." Inasmuch as opposer filed the motion to compel on the day its testimony period opened, the motion to compel is denied as untimely. However, applicant is reminded of its continuing

obligation to supplement its responses to opposer's discovery requests. Fed. R. Civ. P. 26(e).

**STIPULATED PROTECTIVE AGREEMENT**

The stipulated protective agreement filed on January 11, 2005 is noted. The parties are referred, as appropriate, to TBMP §§ 412.03 (Signature of Protective Order), 412.04 (Filing Confidential Materials With Board), 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.

**DATES RESET**

Trial dates are reset as follows:

<b>DISCOVERY PERIOD TO CLOSE:</b>	<b>CLOSED</b>
Thirty-day testimony period for party in position of plaintiff to close:	<b>May 31, 2005</b>
Thirty-day testimony period for party in position of defendant to close:	<b>July 30, 2005</b>
Fifteen-day rebuttal testimony period to close:	<b>September 13, 2005</b>

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