

07568/7001339

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



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RED BULL GMBH,
:

Opposer,
:

v.
:

CARABAO TAWANDANG CO., LTD.
:

Applicant.
:
-----X

02-14-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Opposition No. 91,164,680

78,330,948

EXPRESS MAIL CERTIFICATE

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APPLICANT'S STATEMENT PURSUANT TO 37 C.F.R. § 2.120(E)

Applicant respectfully submits this statement pursuant to 37 C.F.R. § 2.120(e), which states that if issues raised in a motion to compel are subsequently resolved by agreement of the parties, the moving party should inform the Board in writing of the issues in the motion which no longer require adjudication.

Applicant filed a motion to compel discovery and test the sufficiency of responses to requests for admission on December 12, 2005. One of the matters raised in the motion to compel is that Opposer must sign its original answers to Applicant's First Set of Interrogatories.¹ This issue has been subsequently resolved and no longer requires adjudication.

¹ See Appl.'s Motion to Compel, filed December 12, 2005, Argument I, at 1-4.


In addition, Applicant contended that Opposer should be required to answer and sign the outstanding interrogatories, except to the extent it establishes that this would impose a significant burden, in which case, Applicant contended that Opposer must identify the control or bates numbers for the documents responsive to each of the interrogatories.² This issue has been subsequently resolved with respect to Interrogatory Nos. 1 and 5.

If any other outstanding issue raised in the motion are subsequently resolved by agreement of the parties, Applicant will inform the Board.

Respectfully submitted,

DARBY & DARBY, P.C.

Dated: February 14, 2006

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² *Id.*, at 3-4.

