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Filing date: **10/13/2009**

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

Proceeding	91187342
Party	Plaintiff Sean P.Combs
Correspondence Address	Robert A. Becker Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES rbecker@frosszelnick.com
Submission	Opposition/Response to Motion
Filer's Name	Robert A. Becker
Filer's e-mail	rbecker@frosszelnick.com
Signature	/Robert Becker/
Date	10/13/2009
Attachments	Opposer's Opposition to Applicant's Request (F0526561).PDF ( 3 pages ) (1028717 bytes )

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

In re Application Ser. No. 78/615,932  
Published June 3, 2008  
Opposer's Reference: PFD USA TC-07/05683

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Opposition No. 91187342

**OPPOSER'S OPPOSITION TO APPLICANT'S REQUEST**  
**FOR ACCELERATED CASE RESOLUTION**

Opposer submits this opposition to Applicant's Request for Accelerated Case Resolution, filed October 11, 2009.

Opposer first notes that Applicant is acting *pro se* and appears not to understand the opposition process and, more specifically, the discovery process. It is true that as of October 11, 2009 the parties had not yet been in contact regarding the discovery conference, but the deadline for that conference set forth in the Board's September 2, 2009 order is October 19, 2009, and Opposer's attorney intended to contact Applicant before October 19 regarding the discovery conference. Furthermore, Applicant states: "Applicant believes that discovery has previously taken place...." On the contrary, discovery has not opened.

Applicant also states: "Applicant does not believe that anything new from Applicants [sic] side that will have an impact on the case." This is not for Applicant to say. Opposer intends to exercise its right to take discovery relating to the five counts in its Amended Notice of Opposition, just as any other opposer would. It appears that Applicant has confused the responses in its Answer to the Amended Notice of Opposition with responses to discovery requests, which Opposer has not served yet.

Once the Board has ruled on Applicant's Request for Accelerated Case Resolution, Opposer will attempt to arrange a discovery conference with Applicant and will proceed with this opposition.

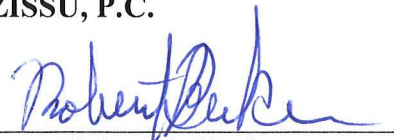
Opposer therefore respectfully submits that Applicant's Request for Accelerated Case Resolution should be denied and the Board should issue a revised schedule for the remaining dates in this matter.

Dated: New York, New York  
October 13, 2009

Respectfully submitted,

**FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.**

By: \_\_\_\_\_



Robert A. Becker

Attorneys for Opposer  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of OPPOSER'S OPPOSITION TO APPLICANT'S REQUEST FOR ACCELERATED CASE RESOLUTION to be served by prepaid, first-class mail on this 13<sup>th</sup> day of October, 2009, upon applicant, Pacific Rim Marketing Inc., at 1051 Leslie Street, La Habra, CA 90631, and at 1306 Via Tornasol, Aptos, CA 95003-5654.



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Robert A. Becker