

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

Mailed: August 15, 2012

Opposition No. 91200468

Carefusion Corporation and  
Carefusion 303, Inc.

v.

Fusion Care Systems

**Robert H. Coggins,  
Interlocutory Attorney:**

The record showing no response by applicant to opposer's motion to compel (filed June 13, 2012), the motion is granted as conceded. See Trademark Rules 2.120(e) and 2.127(a).

Interrogatories and Production of Documents

Applicant is permitted until September 14, 2012, to provide complete responses to opposer's interrogatories and document requests. Applicant's responses must be made without objection because applicant failed to timely respond and to object to opposer's discovery requests. See *No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000).

Requests for Admission

It is noted that opposer's requests for admission are automatically admitted by applicant pursuant to Fed. R. Civ. P. 36(a)(3) because applicant failed to respond thereto. See TBMP § 527.01(d) (3d ed. rev. 2012).

Deposition

Applicant is permitted until September 14, 2012, to designate at least one person pursuant to Fed. R. Civ. P. 30(b)(6) who can testify on applicant's behalf for a discovery deposition on the subjects indicated in opposer's June 1, 2012 notice of deposition. Applicant must produce its 30(b)(6) witness(es) prior to the close of discovery and at a time that is mutually convenient with opposer.

Schedule

Proceedings are resumed. Trial dates are reset as follows:

Applicant's Responses Due <sup>1</sup>	9/14/2012
Discovery Closes	10/19/2012
Plaintiff's Pretrial Disclosures	12/3/2012
Plaintiff's 30-day Trial Period Ends	1/17/2013
Defendant's Pretrial Disclosures	2/1/2013
Defendant's 30-day Trial Period Ends	3/18/2013
Plaintiff's Rebuttal Disclosures	4/2/2013
Plaintiff's 15-day Rebuttal Period Ends	5/2/2013

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<sup>1</sup> Should applicant fail to comply with this order compelling discovery, then opposer's remedy will lie in a motion for entry of sanctions in the form of entry of judgment sustaining the opposition. See Trademark Rule 2.120(g)(1).

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.