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

Proceeding	91207440
Party	Plaintiff Champion Window Manufacturing and Supply Company, LLC
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Date	05/22/2013
Attachments	5-22-2013 Champion - Comfort Window Discovery Conference Report.pdf(15150 bytes )

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

In the matter of the Application Serial No. 85429267  
Filed on the 22nd day of September, 2011  
For the mark: COMFORT QUADSHIELD GLASS.  
Published in the Official Gazette on October 09, 2012

In the matter of the Application Serial No. 85429563  
Filed on the 22nd day of September, 2011  
For the mark COMFORT QUAD SHIELD GLASS and design  
Published in the Official Gazette on August 21, 2012

Champion Window Manufacturing  
and Supply Co., LLC,

Opposer,

v.

Comfort Window Co., Inc.,

Applicant.

**OPPOSITION NO. 91207440**

**DISCOVERY CONFERENCE REPORT**

Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the TTAB this Joint Discovery Plan. The parties conducted their discovery conference on May 9, 2013.

**A. DISCOVERY CONFERENCE**

The parties conducted the Discovery Conference on May 9, 2013.

The parties will exchange initial disclosures by June 19, 2013.

**B. DISCOVERY ISSUES AND DATES**

1. Discovery (documents, written responses to interrogatories and requests for admission, and witness testimony) will need to be obtained on the issues of actual confusion, likelihood of confusion including the DuPont factors, correspondence between the parties and their counsel, and the presence of COMFORT and design and COMFORT QUADSHIELD GLASS and COMFORT QUAD SHIELD GLASS and design in interstate commerce.
2. The parties agreed that discovery depositions may be conducted long distance (via

Skype or by telephone) but reserved the right to conduct depositions in person.

3. The parties both agreed that they are each considering seeking expert witnesses on the issue of likelihood of confusion.
4. There are no anticipated discovery problems at this time.

**C. PROTECTIVE ORDER**

A joint Agreed Protective Order was submitted to the TTAB and approved.

**D. MOTION DEADLINES**

1. No further motions to amend the pleadings and/or add parties are anticipated. Any such Motion must be filed prior to October 1, 2013.
2. No further motions relative to the pleadings are anticipated. Any such Motion must be filed prior to October 1, 2013.
3. Dispositive motions must be filed by October 1, 2013 and responses by November 1, 2013.

**E. SETTLEMENT**

The parties have discussed settlement several times but have made no progress and have been unable to reach a resolution.

**F. OTHER MATTERS PERTINENT TO MANAGEMENT OF THIS LITIGATION**

None at this time.

/s/ Philip I. Frankel per email auth. 5/22/2013  
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