

ESTTA Tracking number: **ESTTA1028275**

Filing date: **01/10/2020**

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

Proceeding	91241359
Party	Defendant IGT Global Solutions Corporation
Correspondence Address	PETER D SIDDOWNAY SAGE PATENT GROUP 4120 MAIN AT NORTH HILLS STREET SUITE 230 RALEIGH, NC 27609 UNITED STATES trademarks@igt.com, psiddoway@sagepat.com, jsteen@sagepat.com 984-219-3358
Submission	Opposition/Response to Motion
Filer's Name	Peter D. Siddoway
Filer's email	psiddoway@sagepat.com, jsteen@sagepat.com
Signature	/Peter D. Siddoway/
Date	01/10/2020
Attachments	Response to Motion to Extend Deadlines.pdf(140907 bytes )

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

Pollard Banknote Limited,	:	
Opposer,	:	
	:	
	:	Opposition No. 91241359 (parent case)
v.	:	
	:	
IGT	:	
Applicant.	:	

**APPLICANT IGT’S RESPONSE TO OPPOSER’S MOTION TO EXTEND  
DISCOVERY PERIOD AND ALL SUBSEQUENT TRIAL DATES**

Applicant IGT hereby responds to Opposer, Pollard Banknote Limited’s request that the Trademark Trial and Appeal Board extend Opposer’s discovery period in the above-captioned cases by 60 days, and all subsequent trial dates by 60 days.

IGT does not believe that there is good cause for any extension of the discovery period in these cases. However, IGT is not opposed to a 60 day extension of the discovery period so long as the extension applies equally to both parties.

IGT takes issue with Opposer’s attempt to create discovery issues where they simply do not exist (i.e., such as suggesting it has been “thwarted” by “delays and objections”). In fact, IGT has acted diligently in responding to Opposer’s discovery requests, producing documents to Opposer, and seeking in good faith to resolve discovery disputes raised by Opposer. The basis for Opposer’s motion is that it wants more time to “study Applicants’ responses and serve follow-up discovery.” Opposer’s Motion at 4. However, that Opposer ran out of time to serve

follow-up discovery is solely due to its own delay in initiating discovery and is not good cause for granting its motion.

IGT's diligence and timeliness during discovery are illustrated by the following undisputed facts:

- IGT timely responded to Opposer's Requests for Production and Interrogatories on November 17, 2019;
- IGT produced documents to Opposer on a rolling basis as the documents were able to be identified, collected, and produced, which included producing a total of over 2000 pages of documents on December 9, 2019; December 13, 2019; and December 23, 2019;
- In a good faith effort to resolve discovery disputes and comply with its continuing discovery obligations IGT timely served Supplemental Interrogatory Responses on December 23, 2019, which responses removed certain objections and provided additional information.

IGT has not refused to answer nor delayed its responses to Opposer's discovery requests. To the contrary, it has provided timely responses and more than 2000 pages of document productions. Opposer complains that it does not have time to follow up on IGT's discovery responses, but to the extent this is true, it is a problem of Opposer's own making. Discovery in this case opened on June 28, 2019, but Opposer waited nearly four months to initiate any discovery (serving its production requests and interrogatories on October 11, 2019, see Opposer's Motion at 1). In other word, Opposer did nothing for the first two thirds of the discovery period. If Opposer wished to have an opportunity to "study Applicants' responses

and serve follow-up discovery” (Opposer’s Motion, at 4) it should have served its initial requests early enough in the discovery period. IGT’s responses came at the end of the discovery period as a result of Opposer’s timing in initiating discovery, not due to any delay, objection, or obstruction by IGT.

Although IGT does not believe there is a need for the further extension of discovery, if the Board is inclined to grant an extension, such an extension should apply to both parties. If Opposer believes there is good cause for it to be allowed to make additional decisions regarding discovery, including possibly initiating additional discovery, IGT should not be denied a fair opportunity to respond and to evaluate its own discovery needs in view of whatever additional actions Opposer may take.

Therefore, if the Board is inclined to extend the discovery period in these cases, IGT is not opposed to Opposer’s proposed schedule provided that the extended close of discovery period applies to both parties as follows:

Close of Discovery Period for all Parties	2/23/2020
Plaintiff’s Pretrial Disclosures Due:	4/8/2020
Plaintiff’s 30-day Trial Period Ends:	5/23/2020
Defendant’s Pretrial Disclosures Due:	6/7/2020
Defendant’s 30-day Trial Period Ends:	7/22/2020
Plaintiff’s Rebuttal Disclosures Due:	8/6/2020
Plaintiff’s 15-day Rebuttal Period Ends:	9/5/2020
Plaintiff’s Opening Brief Due:	11/4/2020
Defendant’s Brief Due:	12/4/2020
Plaintiff’s Reply Brief Due:	12/19/2020
Request for Oral Hearing (optional) Due:	12/29/2020

Respectfully submitted,

SAGE PATENT GROUP

By           /s/ Peter D. Siddoway          

Peter D. Siddoway

Lynne A. Borchers

4120 Main at North Hills Street, Suite 230

Raleigh, North Carolina 27609

(984) 219-3358 (telephone)

(984) 538-0416 (facsimile)

*Attorneys for Applicant*

Dated: January 10, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing has been served on counsel for Opposer Pollard Banknote Limited by forwarding said copy on January 10, 2020, via email to:

Michael M. Zadrozny  
Daniel T. Earle  
Attorneys for Opposer  
Shlesinger, Arkwright & Garvey LLP  
5845 Richmond Highway, Suite 415  
Alexandria, VA 22303  
(703) 684-5600  
[mmz@sagllp.com](mailto:mmz@sagllp.com)  
[danearle@sagllp.com](mailto:danearle@sagllp.com)  
[nitasantiago@sagllp.com](mailto:nitasantiago@sagllp.com)

By           /s/ Peter D. Siddoway            
Peter D. Siddoway  
4120 Main at North Hills Street, Suite 230  
Raleigh, North Carolina 27609  
(984) 219-3358 (telephone)  
(984) 538-0416 (facsimile)