

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

MBA

Mailed: November 7, 2007

Opposition No. 92045271

Wiscon Corp.

v.

Cantine Caputo S.p.A.

Michael B. Adlin, Interlocutory Attorney:

On September 7, 2007, the Board issued an order allowing respondent 45 days in which to file its response to petitioner's motion to compel, filed December 13, 2006. On October 19, 2007, respondent filed a letter stating that it "agrees to provide any documents responsive to Petitioner's requests . . . by December 1st, 2007." Accordingly, petitioner's motion to compel is hereby **GRANTED** as conceded. Trademark Rule 2.127(a). *Central Mfg., Inc. v. Third Millenium Technology, Inc.*, 61 USPQ2d 1210 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int'l, Inc.*, 53 USPQ2d 1053 (TTAB 1999).

Applicant is hereby ordered to serve no later than **DECEMBER 1, 2007**, without objection, documents responsive to

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petitioner's first set of requests for production. See, *No Fear, Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000).

In the event respondent fails to respond to petitioner's document requests as ordered herein, respondent may be subject to sanctions, potentially including entry of judgment against it. Trademark Rule 2.120(g); Fed. R. Civ. P. 37(b)(2).

Proceedings herein are resumed, and discovery and trial dates are reset as follows:

Discovery Period to Close:	January 6, 2008
30-day testimony period for party in position of plaintiff to close:	April 5, 2008
30-day testimony period for party in position of defendant to close:	June 4, 2008
15-day rebuttal testimony period to close:	July 19, 2008

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 Rule 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
