

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

In the matter of Reg. No. 1,255,493  
Mark : SAMURAI GEKKEIKAN  
Registrant : Gekkeikan Sake Company Ltd.  
Issued : October 25, 1983

TTAB

-----X  
SLG PRODUCTIONS, INC.  
:  
Petitioner, :  
:  
vs. :  
:  
GECKEIKAN SAKE COMPANY LTD., :  
:  
Respondent. :  
-----X

Cancellation No. 92046726  
73333708

**MOTION TO EXTEND  
TERM FOR DISCOVERY AND TRIAL DATES**

Petitioner, SLG Productions, Inc., ("SLG" or "Petitioner") in the above-captioned cancellation proceeding respectfully moves the Trademark Trial and Appeal Board ("Board") to (i) unilaterally extend SLG's term for discovery by sixty (60) days, i.e., from June 25, 2007 up through and including August 24, 2007 and (ii) extend all testimony and trial dates for both parties by sixty (60) days in accordance with the following schedule:

The period for discovery to close (SLG only)	August 24, 2007
Testimony Period for the Party in Position of Plaintiff to Close (Opening thirty day prior thereto)	November 22, 2007
Testimony Period for the Party in Position of Defendant to Close (Opening thirty days prior thereto)	January 21, 2008

Rebuttal Testimony Period to Close  
(Opening fifteen days prior thereto)

March 6, 2008

This extension is requested because additional time is required for Petitioner to pursue and complete discovery because to date, Respondent has failed to participate in discovery.

Specifically, on May 14, 2007, Petitioner served Respondent with Petitioner's Notice of Deposition, First Request for Production of Documents and Things and First Set of Interrogatories. Respondent's responses to Petitioner's first set of document requests and interrogatories were due on June 15, 2007. However, the only response Petitioner received was a June 4, 2007 letter from Respondent's counsel stating that Respondent would not be sending a representative for a live deposition because it purportedly did not have any corporate representatives in the United States.

While Petitioner continues to investigate this allegation, Respondent's June 4, 2007 letter makes clear that Respondent received Petitioner's initial discovery requests and is fully aware of its discovery obligations under the Board's rules of practice. Yet, Respondent has failed to respond to either SLG's document requests or interrogatories served over forty two (42 days ago), and therefore has waived its right to object.

Petitioner has put Respondent on Notice of this Motion to Extend Discovery and given Respondent until June 29, 2007 to fully and completely respond to SLG's discovery requests, as evidenced by the letter attached hereto as Exhibit 1.

In view of the foregoing and being that Respondent has not participated in discovery, Petitioner requests that additional time for discovery be unilaterally granted to it so that SLG may: (i) obtain and review Respondent's answers to interrogatories and documents responsive to Petitioner's document requests; (ii) further investigate and

evaluate whether to proceed with depositions on written questions or if oral depositions in the United States are warranted; and (iii) pursue any necessary follow up discovery in this matter so that Petitioner may properly prepare for trial. To date, Respondent has not sought any discovery in this matter and therefore requires no additional time to take discovery. Indeed, as a result of Respondent's dilatory conduct, none should be afforded to it.

Alternatively, if Respondent fails or refuses to fully respond to Petitioner's document requests and interrogatories by June 29, 2007, Petitioner will have no choice but to seek intervention from the Board by filing a motion to compel.

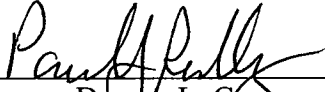
This motion is made in good faith and without any intention to delay these proceedings before this honorable Board.

WHEREFORE, for the reasons stated and the good cause shown herein, Petitioner, by its counsel, respectfully requests that the term for discovery be unilaterally extended by 60 days for the benefit of SLG only and all other dates be extended by sixty (60) days for both parties in accordance with the aforesaid schedule.

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: June 25, 2007

By:   
Doreen L. Costa  
Paul J. Reilly  
30 Rockefeller Plaza, 44th Fl.  
New York, NY 10112-0228  
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Attorneys for Petitioner,  
SLG PRODUCTIONS, INC.

**EXHIBIT 1**

# BAKER BOTTS LLP

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June 25, 2007

BY FIRST CLASS MAIL

Michelle C. Morris  
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Re: U.S. TM Cancellation No. 92046726  
Mark : SAMURAI GEKKEIKAN  
Reg. No. : 1, 255,493  
Our File No. : 077903.0103

Dear Michelle:

As you know, Petitioner, SLG Productions, Inc. served Gekkeikan Sake Company Ltd. with its First Set of Document Requests, Interrogatories and Rules 30(b)(6) Notice of Deposition. The only response Petitioner has received is a letter from you dated June 4, 2007 stating that Petitioner would not be providing witnesses in connection with the Notice of Deposition. You are on notice that you have waived any objections. If by Friday, June 29, 2007, we do not receive Respondent's full and complete responses to SLG Productions, Inc.'s Document Requests and Interrogatories, we will be forced to file a Motion to Compel in connection with this matter.

Please confirm that you will be providing us with the requested discovery by June 29, 2007, which is still fourteen (14) days late. In the interim, we have filed on this day a motion to extend the discovery and trial dates, which you should receive shortly if not contemporaneously with this letter.

Very truly yours,



Doreen L. Costa

DLC:drm

**CERTIFICATE OF SERVICE AND MAILING**

I hereby certify that the foregoing "**MOTION TO EXTEND TERM FOR DISCOVERY,**" was deposited with the United States Postal Service via First Class

Mail in an envelope with sufficient postage, addressed to:

Box TTAB NO FEE  
Commissioner for Trademarks  
United States Patent and Trademark Office  
P.O. Box 15667  
Arlington, VA 22215

and a true and correct copy of the foregoing was served on Respondent's attorneys of record via the United States Postal Service as First Class Mail, in an envelope with sufficient postage, addressed to the following:

Jess M. Collen  
Michelle C. Morris  
COLLEN IP  
The Holyoke Building  
80 South Highland Ave.  
Ossining, NY 10562

Date: June 25, 2007

  
Danielle Mendelsohn