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

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|------------------------|--|
| Proceeding | 92049674 |
| Party | Plaintiff Blain Supply, Inc. |
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| Date | 05/13/2009 |
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IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE BEFORE THE TRADEMARK
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| Blain Supply, Inc., | } | |
| | } | |
| Petitioner | } | |
| | } | Cancellation No. 92049674 |
| vs. | } | |
| | } | Registration No. 1825256 |
| Home Court International 2002, Ltd. | } | Mark: ROCK RIVER |
| | } | Date registered: March 8, 1994 |
| Respondent. | } | |

**PETITIONER’S REPLY BRIEF TO RESPONDENT’S RESPONSE TO PETITION’S
MOTION TO COMPEL RESPONDENT TO MAKE ITS INITIAL DISCLOSURES AND
TO GIVE RESPONSES TO INTERROGATORIES AND REQUESTS TO PRODUCE
DOCUMENTS**

Petitioner, Blain Supply, Inc., files this reply brief pursuant to TBMP §502.02 and 37 CFR §2.127(a) in regards to its Motion to Compel Respondent to make its Initial Disclosures and to give responses to Petitioner’s First Set of Interrogatories and Requests to Produce Documents.

Respondent fully admits it did not submit its Initial Disclosures until April 21, 2009 after this Motion was filed and months after the due date of November 11, 2008. (Respondent’s Brief). Further, Respondent fully admits that it did not serve its response to Petitioner’s First Set of Interrogatories and Requests to Produce until May 4, 2009 after this Motion was filed and months after the due date of December 31, 2008. (Respondent’s Brief). Respondent states that it “continues to produce responsive documents to petitioners’ discovery requests”. That is a complete mischaracterization of Respondent’s behavior.

Respondent, even after repeated requests, refused to follow the Board’s Scheduling Order with respect to the Initial Disclosures and refused to follow the Federal Rules of Civil Procedure and the TTAB Manual of Procedure with Respect to its responses to Interrogatories and Requests to Produce Documents in an effort to only produce selected documents to advance their position. Further, Respondent’s responses to Interrogatories and Request to Produce Documents dated May

4, 2009, consist of objections and evasive answers, and although Respondent indicates it will produce further documents, **to date no further documents have been produced.**

Petitioner intends to work with Respondent to attempt to obtain the documents which need to be reviewed prior to conducting depositions, but Petitioner remains concerned given the lack of responsiveness of Respondent to date that Respondent will not be forthcoming. If necessary, Petitioner will file a new Motion to Compel to address the objections Respondent has raised, the evasive responses and the failure to produce documents.

Given the delay caused by the Respondent, Petitioner again requests that the Board reset all deadlines, including discovery and trial deadlines after this Motion is decided by the Board.

Dated this 13th day of May, 2009.

BRENNAN, STEIL & BASTING, S.C.

By: /s/ Nancy B. Johnson
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that a copy of the foregoing Reply Brief was filed via ESTTA and served upon Respondent via first class mail, postage prepaid, in an envelope addressed as follows:

Home Court International 2002, Ltd.
c/o Attorney Paula J. Krasny
Baker & McKenzie, LLP
One Prudential Plaza, Suite 3500
Chicago, IL 60601

this 13th day of May, 2009.

/s/ Nancy B. Johnson

Nancy B. Johnson