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

Proceeding	91201925
Party	Plaintiff Starbuzz Tobacco, Inc.
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IN THE UNITED STATES PATENT AND TRADE MARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85/052,510

Mark: *MAI TAI*

Filed: *June 2, 2010*

Published: *June 14, 2011*

STARBUZZ TOBACCO, INC.,

Opposer,

v.

FANTASIA DISTRIBUTION, INC.,

Applicant.

OPPOSITION NO: 91201925

**STARBUZZ TOBACCO, INC.'S
OPPOSITION TO APPLICANT'S
MOTION TO COMPEL RESPONSES TO
REQUESTS FOR PRODUCTION**

Opposition Filed: October 5, 2011

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INTRODUCTION

Applicant, Fantasia Distribution, Inc.'s ("Fantasia") motion to compel responses to requests for production (the "Motion") is clearly improper. Fantasia's mere six page motion to compel three different sets of discovery requests is procedurally and substantively deficient. The Motion is designed to do nothing more than waste Opposer, Starbuzz Tobacco, Inc.'s ("Starbuzz") resources in an effort to force the abandonment of this Opposition.

Under the TTAB rules, Fantasia's combination of three discovery motions into one memorandum is highly inappropriate.¹ Furthermore, even assuming that the Motion was procedurally filed properly, it is still substantively deficient. The Motion fails to provide detailed explanations as to why Starbuzz's responses or objections were insufficient. In fact, the disputed requests for production (RFP) seek information that are simply irrelevant and completely overbroad to the issues in the Opposition. Additionally, several of the requests are highly objectionable because they are compound, call for legal conclusions, and seek highly confidential and proprietary business information. Therefore, Starbuzz's objections are completely warranted.

Accordingly, Starbuzz respectfully requests the Honorable Board to deny Fantasia's Motion in its entirety.

FACTUAL BACKGROUND

Background Facts. On June 2, 2010, Fantasia filed Application No. 85/052,510 for the protection of the mark "MAI TAI" in International Class 034 for use in various tobacco products (the "Application"). The Application was filed, pursuant to Section 1(a) of the Lanham Act,

¹ Starbuzz notes that Fantasia's combination of three motions in one memorandum and filing the same memorandum three times on the ESTTA system is completely improper. *See* TBMP § 502.02(b). To avoid any further confusion and in accordance with the TTAB rules, Starbuzz is concurrently filing separate oppositions to the three motions. Each motion addresses each set of discovery request.

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