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

Proceeding	91201925
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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 ADMISSION**

**Opposition Filed: October 5, 2011**

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## INTRODUCTION

Applicant, Fantasia Distribution, Inc.'s ("Fantasia") motion to compel responses to requests for admission (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 Federal Rules, a motion to compel procedure is inapplicable to requests for admission. Just for this reason, the motion is procedurally deficient and should be denied. Additionally, combining three separate discovery motions into one memorandum is highly inappropriate.<sup>1</sup>

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. The disputed requests seek information that are simply irrelevant to the issues in the Opposition. Additionally, several of the requests are highly objectionable because they are compound, call for legal conclusions, and are unduly burdensome. 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 protection of the mark "MAI TAI" in International Class 034 for use in various tobacco products

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<sup>1</sup> 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 opposition addresses each set of discovery request.

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