

ESTTA Tracking number: **ESTTA487816**

Filing date: **08/07/2012**

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

Proceeding	91201931
Party	Plaintiff Starbuzz Tobacco, Inc.
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Attachments	1. Starbuzz - Opp to Fantasia's MTC RFA.pdf ( 12 pages )(518428 bytes ) 2. Starbuzz - Opp to Fantasia's MTC Interrogatories.pdf ( 12 pages )(475240 bytes ) 3. Starbuzz - Opp to Fantasia's MTC RFP.pdf ( 13 pages )(571724 bytes ) 4. Decl. of C.Federis - Starbuzz's Oppositions.pdf ( 101 pages )(2676257 bytes )

STARBUZZ TOBACCO, INC.,

Opposer,

v.

FANTASIA DISTRIBUTION, INC.,

Applicant.

**OPPOSITION NO: 91201931**

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

I.	FANTASIA’S MOTION TO COMPEL RFA RESPONSES FAILS BECAUSE SUCH MOTION IS COMPLETELY INAPPROPRIATE FOR REQUESTS FOR ADMISSION .....	4
II.	THE MOTION IS ALSO IMPROPER BECAUSE FANTASIA MISLEAD THE BOARD BY OMITTING STARBUZZ’S AMENDED RESPONSES.....	5
III.	EVEN ASSUMING THAT THE MOTION IS PROPER, IT SHOULD ALSO BE DENIED SINCE FANTASIA FAILS TO PROVIDE ANY EXPLANATION FOR SEEKING RESPONSES TO THE REQUESTS AT ISSUE.....	5
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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> Furthermore, Fantasia has improperly attempted to compel responses to discovery requests that Starbuzz has already answered, thus misleading the Board into believing that Starbuzz failed to respond.

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 Trademark Trial and Appeal Board (the “Board”) to deny Fantasia’s Motion in its entirety.

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<sup>1</sup> Starbuzz notes that Fantasia’s combination of three motions in one memorandum is completely improper. *See* TBMP § 502.02(b). To avoid any further confusion and in accordance with the Board’s rules, Starbuzz is concurrently filing separate oppositions to the three motions. Each opposition addresses each set of discovery request.

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