

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 29, 2006

Opposition No. **91167151**
Flowers Bakeries Brands, Inc.

v.

Independent Marketing Alliance
LP

Frances S. Wolfson, Interlocutory Attorney:

On April 11, 2006, applicant filed four motions to quash the deposition of its witnesses Bob Fontana, John S. Egbert, and Robert D. Plank, and the deposition of a witness under Fed. R. Civ. P. 30(b)(6), Independent Marketing Alliance LP.¹ Office records indicate no response to applicant's motion. When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded. See Trademark Rule 2.127(a), and TBMP §502.04 (2d ed. rev. 2004). In view thereof, the motion is treated as conceded and applicant's motions to quash are hereby granted.

On August 22, 2006, opposer filed a consented motion to extend discovery and trial dates in this case. The motion is hereby granted.

¹ The Board regrets the delay in deciding these motions.

On September 25, 2006, opposer filed a motion to amend the notice of opposition. Proceedings herein are suspended pending disposition of opposer's motion. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

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