

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

Mailed: July 18, 2006

Opposition No. 91167207

MS. ANITA DHALIWAL

v.

DVD WORLD Pictures Corp.

George C. Pologeorgis, Interlocutory Attorney:

On July 17, 2006, opposer filed her motion for summary judgment. A motion for summary judgment, if filed, should be filed **prior to the commencement of the first testimony period**, as originally set or as reset, and the Board, in its discretion, may deny as untimely any motion for summary judgment filed thereafter. See Trademark Rule 2.127(e) (emphasis added).

In this instance, opposer's thirty-day testimony period is set to close on August 15, 2006 and, therefore, commenced on July 17, 2006. Since opposer filed her motion for summary judgment on the opening day of her testimony period, opposer's motion was not filed prior to the commencement of her testimony period as required by Trademark Rule 2.127(e).

In view thereof, opposer's motion for summary judgment is denied as untimely.

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Trial dates remain as set in the Board's October 29,
2005 institution order.