

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

Mailed: November 26, 2007

Opposition No. 91172497

Johnson & Johnson

v.

Michael F. Brice

Cindy B. Greenbaum, Attorney:

Opposer's motion to compel (filed October 8, 2007) is hereby granted as conceded. See Trademark Rule 2.120(e) and 2.127(a). Accordingly, applicant has until **THIRTY DAYS** from the mailing date of this order to provide complete responses to opposer's interrogatories and document requests.

Moreover, these responses must be made without objection because applicant failed either to timely respond or to object to opposer's discovery requests. See *No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000). Should applicant fail to provide the ordered responses, then opposer's remedy will lie in a motion for entry of sanctions, in the form of entry of judgment in opposer's favor. See Trademark Rule 2.120(g).

Proceedings are resumed. Trial dates, including the close of discovery **for opposer only**, are reset as follows

DISCOVERY PERIOD TO CLOSE FOR OPPOSER ONLY: **January 31, 2008**

Thirty-day testimony period for party in position of plaintiff to close: **April 30, 2008**

Thirty-day testimony period for party in position of defendant to close: **June 29, 2008**

Fifteen-day rebuttal testimony period to close: **August 13, 2008**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.