

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

MBA

Mailed: November 9, 2009

Opposition No. 91183905

Google Inc.

v.

Eric Watson

Michael B. Adlin, Interlocutory Attorney:

In its November 5, 2009 motion to suspend, opposer requests that this one and one-half year old case be suspended indefinitely for applicant's alleged failure to respond to opposer's discovery requests. However, opposer has not filed and apparently has no intention of filing a motion to compel. Opposer's motion for suspension is hereby **DENIED.**

Opposer chose not to grant applicant an extension of time to respond to the discovery requests. Opposer's Motion ¶ 4. The parties met and conferred or at least considered meeting and conferring about applicant's alleged failure to respond to the discovery requests, but could not resolve the issue. Id. ¶ 7. According to opposer, "[w]ithout the benefit of Applicant's discovery responses, Opposer cannot file complete pre-trial disclosures and cannot effectively

prepare for or take trial testimony in this opposition ...
Opposer will be forced to formulate, plan, and disclose its
trial strategy without the benefit of Applicant's discovery
responses." Id. ¶ 8. Opposer's remedy is clearly laid out
in Trademark Rule 2.120(e). Opposer, which brought this
proceeding, has not, however, established good cause for an
indefinite suspension of an old proceeding which opposer
apparently has no intention of prosecuting in the near term,
or perhaps ever.

In all litigation, the time to fish or cut bait
eventually arrives. Dates remain as previously set.
