

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

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Mailed: April 14, 2010

Opposition No. 91185310

Big O Tires, LLC

v.

Weems Industries, Inc. dba
Legacy Manufacturing Company

By the Trademark Trial and Appeal Board:

Opposer's motion for discovery sanctions (filed March 1, 2010) is hereby granted as conceded. See Trademark Rules 2.120(g) and 2.127(a).

Accordingly, judgment is hereby entered against applicant, the opposition is sustained, and registration to applicant is refused solely in regard to the opposed goods identified in International Classes 7, 9 and 21.

Applicant's application Serial No. 77109547 will proceed to issuance of registration only in regard to International Classes 6, 8, 17, and 20.¹

¹ In light of the instant order, the Board will not proceed with applicant's request to divide out the goods classified in International Classes 6, 8, 17 and 20 and has not charged applicant's counsel's deposit account for the divisional request. Moreover, applicant's deferred request to amend the identification of goods in International Classes 7 and 9 will be given no further consideration.