

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

DUNN

Mailed: September 30, 2009

Opposition No. 91186348

Dry Force, Inc.

v.

Mobile Air, Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

This case now comes up on opposer's motion, filed June 19, 2009, to compel applicant to answer opposer's first set of interrogatories and first set of document requests without objection. Applicant has failed to file a brief in response to opposer's motion. See Trademark Rule 2.127(a).¹ The delay in acting upon this matter is regretted.

In view of the circumstances set forth in opposer's motion to compel, and because applicant has not responded to the motion, opposer's motion to compel discovery is granted. See Trademark Rule 2.120(e).

Applicant is allowed until twenty days from the mailing date of this order in which to respond without objection to

¹ Trademark Rule 2.127(a) reads, in relevant part, as follows: "When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded."

Opposition No. 91186348

opposer's first set of interrogatories and first set of document requests, failing which a motion for sanctions will be entertained by the Board. See Trademark Rule 2.120(g)(1).

Dates are reset as follows:

Discovery Closes	November 15, 2009
Plaintiff's Pretrial Disclosures	December 30, 2009
30-day testimony period for plaintiff's testimony to close	February 13, 2010
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	February 28, 2010
30-day testimony period for defendant and plaintiff in the counterclaim to close	April 14, 2010
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	April 29, 2010
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	June 13, 2010
Counterclaim Plaintiff's Rebuttal Disclosures Due	June 28, 2010
15-day rebuttal period for plaintiff in the counterclaim to close	July 28, 2010
Brief for plaintiff due	September 26, 2010
Brief for defendant and plaintiff in the counterclaim due	October 26, 2010
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	November 25, 2010
Reply brief, if any, for plaintiff in the counterclaim due	December 10, 2010

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.

Opposition No. 91186348

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.
