

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

Mailed: September 8, 2009

Opposition No.91188241

Innocent Skin, Inc.

v.

Morgen Bentsen

**Robert H. Coggins,
Interlocutory Attorney:**

On August 13, 2009, applicant filed a statement with the Board that applicant does not intent to offer expert witness testimony. While any party disclosing plans to use an expert must notify the Board that it has made the required disclosure, there is no requirement to disclose plans not to use an expert. See Fed. R. Civ. P. 26(a)(2) and Trademark Rule 2.120(a)(2). In view thereof, applicant's August 13, 2009 filing will be given no further consideration. Dates remain as previously set.