

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

Mailed: September 18, 2009

Opposition No. 91189694 (parent)  
Cancellation No. 92051018

Deer Valley Resort Company

v.

Jamison Frost, and  
Al Barbosa

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

On September 8, 2009, plaintiff filed a copy of its initial disclosures with the Board.<sup>1</sup> Written disclosures (as well as requests for discovery, responses thereto, and materials or depositions obtained through the discovery process) should not be filed with the Board except under limited circumstances not presently at issue. Trademark Rule 2.120(j)(8). Accordingly, the September 8, 2009 filing will be given no further consideration. Trial dates remain as set.

It is noted that plaintiff's filings have been made on

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<sup>1</sup> Plaintiff is advised that subsections (iii) and (iv) of Fed. R. Civ. P. Section 26(a)(1)(A) --which are former Subsections C and D of Section 26(a)(1)-- are not relevant and will not apply to Board proceedings. See *Miscellaneous Changes to Trademark Trial and Appeal Board Rules*, 72 Fed. Reg. 42242, 42246 (August 1, 2007).

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paper via snail mail. Plaintiff is advised that it may use the Board's Electronic System for Trademark Trials and Appeals (ESTTA), available at <http://estta.uspto.gov/>, to make future filings with the Board. Trademark Rules 2.2(g) and 2.126(b).