

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

MBA/am

Mailed: February 18, 2010

Opposition No. 91191056

White Rock Distilleries, Inc.

v.

Franciscan Vineyards, Inc.

**Michael B. Adlin, Interlocutory Attorney:**

Applicant's "motion to dismiss," which is in fact a motion to compel adequate initial disclosures,<sup>1</sup> filed February 12, 2010, will be given no consideration. The motion is not supported by the required "written statement from the moving party that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion but the parties were unable to resolve their differences." Trademark Rule 2.120(e)(1). Dates remain as previously set.

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<sup>1</sup> To the extent the motion is couched as one for the sanction of dismissal, it is premature, as there has not yet been a Board order "relating to disclosure" in this proceeding. Trademark Rule 2.120(g)(1).