

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

RK/vb

Mailed: May 15, 2012

Opposition No. 91199529

Hunter Boot Limited

v.

Georgia Pellegrini Media Group, LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

Proceedings herein are **SUSPENDED** pending disposition of opposer's motion to compel (filed April 20, 2012), except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

This suspension order does **NOT** toll the time for either party to make any required disclosure, to respond to discovery requests which had been duly served prior to the filing and service of the motion to compel, or to appear for a discovery deposition which had been duly noticed prior to the filing and service of the motion to compel.¹ See *id.*

¹ As part of its motion to compel, opposer seeks to toll its discovery obligations pending the Board's disposition of its motion to compel and applicant's full compliance with applicant's discovery obligations. This portion of opposer's motion is **DENIED**. Discovery before the Board is not governed by the concept of priority of discovery. Thus, a party is not

The motion to compel will be decided in due course.²

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relieved of its discovery obligations, including its duty to cooperate, simply because the adverse party may have wrongfully failed to fulfill its own obligations. See *Miss America Pageant v. Petite Productions, Inc.*, 17 USPQ2d 1067, 1070 (TTAB 1990), citing Fed. R. Civ. P. 26(d) and *Giant Food, Inc. v. Standard Terry Mills, Inc.*, 231 USPQ 626 (TTAB 1986).

² Opposer's request for an oral hearing on its motion is noted.