

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

Baxley

Mailed: December 27, 2013

Opposition No. 91200183

The Worlds Pageants, LLC and
Camila Productions Ltd.

v.

Miss G-String International
LLC

By the Trademark Trial and Appeal Board:

The above-captioned proceeding had been consolidated with Cancellation No. 92055838, styled *Eadie v. The Worlds Pageants, LLC and Camila Productions Ltd.* In a November 27, 2013 order, the Board, among other things, dismissed the cancellation proceeding with prejudice and resumed proceedings in the opposition. On December 18, 2013, opposers filed a motion for summary judgment based on admissions allegedly deemed admitted.

Although applicant's time in which to respond to the motion for summary judgment has not expired, the Board, in exercising its inherent authority to control the conduct of cases on its docket, elects to decide such motion at this time. See Trademark Rule 2.127(e)(1).

Opposer served its first set of requests for admission, upon which its motion for summary judgment is based, on

September 21, 2011. In a September 29, 2011 order, the Board suspended proceedings pending a decision on opposer's motion to strike. That order effectively tolled time in which to respond to discovery. Compare Trademark Rules 2.127(c) and 2.120(e)(1). Except for certain limited purposes, proceedings herein remained suspended until the issuance of the November 27, 2013 order. See Board orders dated November 3, 2011, June 21, 2012, August 24, 2012, June 29, 2013, and August 11, 2013. Accordingly, time in which to respond to discovery remained tolled until November 27, 2013.

Under Trademark Rule 2.120(a)(3), responses to interrogatories, requests for production of documents and things, and requests for admission must be served within thirty days from the date of service of such discovery requests. However, because discovery was tolled in this case between September 29, 2011 and November 27, 2013, applicant never had a full thirty-day period in which to respond to discovery requests.

Although not stated expressly in the November 27, 2013 order, the Board's general practice when a case has been suspended for an extended period during discovery pending a decision on motions is to allow the parties until thirty days from the mailing date of the resumption order to serve responses to any outstanding discovery requests. See

Pioneer Kabushiki Kaisha v. Hitachi High Technologies America Inc., 74 USPQ2d 1672, 1680 (TTAB 2005). Cf. Trademark Rule 2.120(a)(3). Because less than thirty days had passed since the issuance of the November 27, 2013 order when opposer filed the motion for summary judgment, applicant's time in which to respond to outstanding discovery requests had not lapsed, and applicant's alleged admissions upon which that motion is based are not deemed admitted. See Fed. R. Civ. P. 36(a)(3). Accordingly, the motion for summary judgment is denied.

The Board deems the filing of the motion for summary judgment has having tolled the running of dates herein. Proceedings herein are resumed. The parties are allowed until **January 10, 2014** to serve responses to any outstanding discovery requests. Dates herein are otherwise reset as follows.

Expert Disclosures Due	2/20/2014
Discovery Closes	3/22/2014
Plaintiff's Pretrial Disclosures Due	5/6/2014
Plaintiff's 30-day Trial Period Ends	6/20/2014
Defendant's Pretrial Disclosures Due	7/5/2014
Defendant's 30-day Trial Period Ends	8/19/2014
Plaintiff's Rebuttal Disclosures Due	9/3/2014
Plaintiff's 15-day Rebuttal Period Ends	10/3/2014

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.

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.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.