

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

Mailed: April 16, 2012

Opposition No. 91203245

MerchSource, LLC

v.

Elsa Baby Ltd.

**George C. Pologeorgis,
Interlocutory Attorney:**

On April 13, 2012, opposer filed its initial disclosures with the Board.

Discovery requests, discovery responses, materials or depositions obtained through the discovery process, as well as initial and expert disclosures should not be filed with the Board except when submitted:

- (1) With a motion relating to discovery (e.g., motion to compel, motion to determine the sufficiency of an answer or objection to a request for admission, motion for leave to serve additional interrogatories, motion to challenge the sufficiency of initial or expert disclosures;
- (2) In support of or in response to a motion for summary judgment;
- (3) Under a notice of reliance during a party's testimony period, to the extent that the discovery response or disclosure may properly be submitted by notice of reliance; or
- (4) As exhibits to a testimony deposition.

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(emphasis added). See TBMP § 409 (3d ed. 2011).

Inasmuch as opposer's filing does not fall within any of the exceptions identified above, applicant's initial disclosures will be given no further consideration.

Trial dates remain as set forth in the Board's January 4, 2012 institution order.