UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Baxley

Mailed: April 3, 2015

Opposition No. 91205896

Beau L. Tardy

v.

Wild Brain Entertainment, Inc.

Andrew P. Baxley, Interlocutory Attorney:

The following motions are pending before the Board: (1) Applicant's renewed motion (filed December 23, 2014) to compel discovery; (2) Opposer's combined consented motion (filed December 23, 2014) to extend his time in which to respond to the renewed motion to compel and unconsented motion to extend the close of the discovery period by two weeks; and (3) Opposer's motion (filed January 6, 2015) for leave to file a fifth amended notice of opposition.

In view of Opposer's response to the renewed motion to compel within the time allowed by Trademark Rule 2.127(a), the motion to extend time to the renewed motion to compel is moot. In addition, Opposer, in its brief in response to the renewed motion to compel, withdrew the motion to extend the

discovery period.[1] Accordingly, the motion to extend the discovery period will receive no consideration.

By the renewed motion to compel, Applicant seeks further responses to all of its interrogatories and document requests. In response to the renewed motion to compel, Opposer states that the renewed motion to compel is moot because he and Applicant "have had email discussions regarding standing and evidence and Opposer has supplemented its discovery responses with a Supplemental Disclosure to make corrective information known to Applicant as a part of the discovery process." Applicant did not file a reply brief in which it disputed this statement. Accordingly, the renewed motion to compel is moot.

Turning to Opposer's motion for leave to file a fifth amended notice of opposition, Opposer seeks to add application Serial No. 85509930 to the list of Applicant's abandoned intent-to-use applications set forth in paragraph 5 of the fourth amended notice of opposition. However, that motion is not accompanied by a signed copy of a proposed fifth amended notice of opposition. *See* TBMP § 507.01 (2014). Accordingly, Opposer's motion for leave to file a fifth amended notice of opposition is denied without prejudice.

Proceedings herein are resumed from where the parties stood on December 23, 2014. Remaining dates are reset as follows.

Discovery Closes **4/13/2015**

[1] In a December 23, 2014 response to the motion to extend, Applicant contends that an extension of the discovery period is unnecessary.

Plaintiff's Pretrial Disclosures Due	**5/28/2015**
Plaintiff's 30-day Trial Period Ends	**7/12/2015**
Defendant's Pretrial Disclosures Due	**7/27/2015**
Defendant's 30-day Trial Period Ends	**9/10/2015**
Plaintiff's Rebuttal Disclosures Due	**9/25/2015**
Plaintiff's 15-day Rebuttal Period Ends	**10/25/2015**

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.l29. If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.