

Goodman

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

Mailed: July 2, 2013

Opposition No. 91207035

ROCHE DIAGNOSTICS GMBH, AND
ROCHE DIAGNOSTICS OPERATIONS,
INC.

v.

MINIPUMPS, LLC

By the Trademark Trial and Appeal Board:

As set by the institution order, the deadline for initial disclosures was December 27, 2012. On December 26, 2012, opposer filed a motion for summary judgment on the genericness ground. There is no indication that opposer served its initial disclosures prior to or concurrently with the filing and service of the motion for summary judgment.

Accordingly, the motion for summary judgment is denied as premature.¹ *Qualcomm Inc. v. FLO Corp.*, 93 USPQ2d 1768 (TTAB 2010). Opposer is free to refile the motion once initial disclosures are served. Alternatively, if opposer did in fact serve its initial disclosures prior to or

¹ In view thereof respondent's Rule 56(d) motion is moot.

concurrently with the motion for summary judgment, it may so advise, and renew the motion accordingly.

Proceedings are resumed.

Dates are reset as follows:

Initial Disclosures Due	7/10/2013
Expert Disclosures Due	11/7/2013
Discovery Closes	12/7/2013
Plaintiff's Pretrial Disclosures Due	1/21/2014
Plaintiff's 30-day Trial Period Ends	3/7/2014
Defendant's Pretrial Disclosures Due	3/22/2014
Defendant's 30-day Trial Period Ends	5/6/2014
Plaintiff's Rebuttal Disclosures Due	5/21/2014
Plaintiff's 15-day Rebuttal Period Ends	6/20/2014

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.

***By the Trademark Trial
and Appeal Board***