

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: April 18, 2014

Opposition No. 91207895

Hokie Objective Onomastics Society  
LLC

v.

Virginia Polytechnic Institute and  
State University

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

By order dated April 9, 2014, the Board suspended this proceeding pending the disposition of opposer's motion (filed February 5, 2014) for reconsideration of a portion of the Board's January 8, 2014, order.<sup>1</sup> By the same suspension order, the Board tolled further briefing on applicant's motion to compel filed on March 24, 2014, as well as opposer's motion to strike or, in the alternative, motion for partial summary judgment filed on April 8, 2014.

The Board's April 9, 2014, suspension order is hereby modified *nunc pro tunc* so that this proceeding is suspended pending the disposition of opposer's motion for reconsideration, as well as applicant's motion to compel and opposer's motion to strike/partial summary judgment. Notwithstanding the foregoing, the

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<sup>1</sup> Opposer specifically seeks reconsideration of the portion of the Board's January 8, 2014, order that strikes Paragraphs 27-28 of opposer's amended notice of opposition.

Board will first entertain opposer's motion for reconsideration. Upon disposition of opposer's motion for reconsideration, the Board will issue an order resetting remaining briefing dates for applicant's motion to compel and opposer's motion to strike/partial summary judgment.

As a final matter, it has been brought to the Board's attention that a dispute has arisen between the parties regarding written discovery served by opposer after the filing of applicant's motion to compel. Specifically, the dispute concerns whether opposer's written discovery is timely and, if so, whether or not the time to respond to these requests is tolled pending the disposition of the motions identified above.

Trademark Rule 2.120(e)(2) clearly provides, in relevant part, that "[a]fter the motion [to compel] is filed and served, no party should file any paper that is not germane to the motion, except as otherwise specified in the Board's suspension order. Nor may any party serve any additional discovery until the period of suspension is lifted or expires by or under order of the Board. (emphasis added).

Accordingly, inasmuch as opposer served additional written discovery requests upon applicant subsequent to the filing of applicant's motion to compel and because this proceeding remains suspended, in part, pending the disposition of applicant's motion to compel, opposer's discovery requests served after the filing of applicant's motion to compel are deemed untimely and, therefore, applicant is under no obligation to respond to these requests.

Furthermore, the time to respond to any outstanding discovery, excluding discovery which has otherwise been deemed untimely by this order, is tolled pending the disposition of opposer's motion for reconsideration.

Proceedings otherwise remain suspended pending the disposition of (1) opposer's motion for reconsideration, (2) applicant's motion to compel, and (3) opposer's motion to strike or, in the alternative, for partial summary judgment.