

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

wbc

Mailed: May 8, 2015

Opposition No. 91212906

Square, Inc.

v.

Cashsquare Inc.

Wendy Boldt Cohen, Interlocutory Attorney:

Prior to the commencement of trial,¹ Applicant filed a proposed amendment to its application Serial No. 85827823, which Opposer contests. In keeping with Board practice, consideration of the proposed amendment is deferred until final decision or upon resolution of this case by motion for summary judgment. *See Enbridge Inc. v. Excelerate Energy L.P.*, 92 USPQ2d 1537, 1539 n.3 (TTAB 2009); *Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216, 1219 (TTAB 1990); TBMP § 514.03.

Proceedings are resumed and dates are reset as follows:

Plaintiff's 30-day Trial Period Ends	6/30/2015
Defendant's Pretrial Disclosures	7/15/2015
Defendant's 30-day Trial Period Ends	8/29/2015
Plaintiff's Rebuttal Disclosures	9/13/2015
Plaintiff's 15-day Rebuttal Period Ends	10/13/2015

¹ Applicant filed its motion to amend originally on February 17, 2015. On February 18, 2015, Applicant filed a corrected copy of its motion to amend.

In view of the Board's order herein, Opposer's motions for extension filed December 11, 2014 and February 10, 2015 are moot.²

² Opposer's motions to extend dates filed December 11, 2014 and February 10, 2015 contain an entry captioned, "motion to compel discovery." Inasmuch as the Board's trial schedules do not contain a corresponding entry and the motions are deemed moot, the Board has not included same in the current trial schedule. If either party wishes to file a motion to compel, it must do so pursuant to the rules. *See* Trademark Rule 2.120(e); TBMP § 523.03. Further, the entry "motion to compel discovery" sets a date which expires prior to the opening of the first testimony period, which appears to be a restatement of the rules. Pursuant to Trademark Rule 2.120(e), the parties are reminded that a motion to compel discovery does not necessarily have to be filed during the discovery period and must be filed before the first testimony period opens. *See H.D. Lee Co. v. Maidenform, Inc.*, 87 USPQ2d 1715, 1719 n.10 (TTAB 2008).