

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Mailed: July 1, 2015

Opposition No. 91213597

Caterpillar, Inc.

v.

Tigercat International Inc.

**Cheryl S. Goodman, Administrative Trademark Judge:**

As background, on May 5, 2015, the Board suspended the proceedings pending the disposition of the motion, filed February 24, 2015, to amend the pleading, and the motion, filed April 7, 2015, for sanctions.<sup>1</sup> On May 18, 2015, at the parties' request, the Board conducted a teleconference and agreed to modify the suspension order to allow the parties to proceed with certain discovery, i.e., expert discovery and Rule 30(b)(6) depositions which would including the filing of any motions that may arise during this discovery, while the other motions are pending.

The Board notes Applicant's motion, filed June 3, 2015, for leave to take depositions by video conference,<sup>2</sup> and its motion, filed June 16, 2015, to quash Opposer's Rule 30(b)(6) notice of depositions. In light of the fact that, apparently, the parties are unable to proceed with the requested discovery without Board intervention, and so as to stem the tide of any further discovery motions

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<sup>1</sup> The motions are fully briefed.

<sup>2</sup> Opposer's response, filed June 18, 2015, is noted.

requiring Board intervention at this time, proceedings herein are suspended pending disposition of all outstanding motions presently filed. The parties may not conduct any further discovery during the pendency of these motions. The Board reminds the parties of their duty to cooperate during the discovery process and to avoid taxing the resources of the parties and the Board through excessive or unnecessary motion practice. Should the parties come to a resolution regarding the taking of video depositions, Applicant should so inform the Board of the withdrawal of the motion.

During the suspension, the parties may serve rebuttal expert disclosures in accordance with Fed. R. Civ. P. 26(a)(2)(D)(ii) and are free to stipulate to another date for service of such disclosures, if this date passed without service of such disclosures. *See* Fed. R. Civ. P. 26(a)(2)(D).

The motion to amend the pleading, motion for sanctions, and motion for leave to take depositions by video conference will be decided in due course. In view of Opposer's notification, filed June 23, 2015, of its withdrawal of its Rule 30(b)(6) Notice of Deposition, Applicant's motion to quash is deemed moot. Opposer's request for a telephone conference with respect to Applicant's motion to take depositions by video conference is noted. However, the Board will decide all outstanding motions on the parties' written briefs.

Any paper filed during the pendency of these motions which is not relevant thereto will be given no consideration.