

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

RK/mt

Mailed: July 14, 2015

Opposition No. **91215657**

Goya Foods, Inc.

v.

GoYoGo Frozen Yogurt LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

Proceedings are hereby **SUSPENDED** pending disposition of Opposer's motion (filed June 3, 2015) to compel discovery and to test the sufficiency of Applicant's responses to Opposer's requests for admission, except as discussed below.¹ The parties should not file any paper which is not germane to the motion to compel. *See* Trademark Rule 2.120(e)(2).

Neither the filing of the motion to compel nor this suspension order tolls the time for parties to make required discovery disclosures, or to respond to any outstanding discovery requests which had been served prior to the filing of the motion to compel, nor does it excuse a party's appearance at any discovery

¹ Opposer's motion of June 8, 2015, seeking a suspension of the proceeding (although styled as "OPPOSER'S MOTION FOR EXTENSION OF TIME") pending disposition of its motion to compel and test sufficiency of responses, is noted. Although Opposer requests the suspension "in view of the fact that Plaintiff's Pretrial Disclosures were nearing its deadline (Saturday, June 6, 2015)," the motion is superfluous as the time period for making pretrial disclosures is suspended (and subsequently reset upon resumption) when a motion to compel is filed after the close of discovery but prior to the opening of the first testimony period, as is the case herein. *See* Trademark Rule 2.120(e)(1); TBMP § 523.01.

Opposition No. 91215657

deposition which had been duly noticed prior to the filing of the motion to compel.

See Trademark Rule 2.120(e)(1).

Opposer's motion will be decided in due course.

* * *