

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: September 8, 2015

Opposition No. 91217237

WhatsApp Inc.

v.

WhysUp, LLC

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

Proceedings are **suspended** pending disposition of Opposer's motion to compel filed on September 8, 2015, 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 deposition which had been duly noticed prior to the filing of the motion to compel. When the motion to compel is filed after discovery has closed, but prior to the

¹ The Board notes that the certificate of service of Opposer's motion to compel indicates that the parties have agreed to accept service of papers by email. In view thereof, Applicant's response to Opposer's motion to compel is due by **September 23, 2015**. *See McDonald's Corp. v. Cambridge Overseas Development, Inc.*, 106 USPQ2d 1339 (TTAB 2013).

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opening of the first testimony period, the time period for making pretrial disclosures is suspended. *See* Trademark Rule 2.120(e)(1); TBMP § 523.01.

The motion to compel will be decided in due course.