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: December 14, 2015

Opposition No. 91221325
Cancellation No. 92061202

Red Bull GmbH

v.

Jordi Nogues, S.L.

Benjamin U. Okeke, Interlocutory Attorney:

It has come to the Board's attention that its December 1, 2015 order, consolidating and suspending this proceeding, included inconsistent language regarding the status of discovery during the suspension. The proceeding is **SUSPENDED** pending disposition of Opposer's motion for judgment on the pleadings, filed November 12, 2015. Inasmuch as Opposer's motion is potentially dispositive of the proceeding, the proceeding is considered as having been suspended as of the filing date of the motion – November 12, 2015. *See* Trademark Rule 2.127(d).

Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. *See id*. Accordingly, Applicant's motion to compel, filed November 20, 2015, will be given no consideration. If judgment is not entered by way of Opposer's motion for judgment on the pleadings, then Applicant will have an opportunity to raise its motion to compel if it is still warranted.[1]

[1] The parties are advised that prior to filing any such motion to compel the parties should first contact the assigned interlocutory attorney by telephone at 571-270-1524 to schedule a telephone

Additionally, pursuant to Trademark Rule 2.127(d), the suspension of the proceeding as of November 12, 2015, also tolls the time to respond to any outstanding discovery requests and the time for parties to make required disclosures. *See* Trademark Rule 2.127(d); TBMP § 528.03.

The motion for judgment on the pleadings will be decided in due course.

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conference. The parties should be prepared to discuss the "good faith effort" (which must include a prior telephone conference between the parties) that has been made to resolve any discovery disputes prior to seeking the Board's intervention. The parties should also be prepared to submit any evidence, *e.g.* discovery requests and responses, good-faith correspondence, etc. that should be discussed during the telephone conference.