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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: February 12, 2016

Opposition No. **91224239**

*Foto Electric Supply Co., Inc.*¹

v.

Mavsak, Inc.

By the Trademark Trial and Appeal Board:

On November 5, 2015, Applicant filed, concurrently with its answer, a motion to dismiss, with prejudice, the second claim for relief (hereinafter “Count II”) asserted in the notice of opposition. On November 10, 2015, the Board issued an order suspending this proceeding pending disposition of the motion.

As Opposer has failed to contest or otherwise respond to the motion, the motion is hereby **GRANTED as conceded**. See Trademark Rule 2.127(a) and Fed. R. Civ. P. 12(b). **Count II of the notice of opposition is hereby DISMISSED with prejudice** and the opposition will proceed on Opposer’s claim of mere descriptiveness.

Dates are **RESET** as follows:

Deadline for Discovery Conference	3/14/2016
Discovery Opens	3/14/2016

¹ Opposer’s change of correspondence (filed November 23, 2015) to include additional email addresses has been noted and entered.

Initial Disclosures Due	4/13/2016
Expert Disclosures Due	8/11/2016
Discovery Closes	9/10/2016
Plaintiff's Pretrial Disclosures Due	10/25/2016
Plaintiff's 30-day Trial Period Ends	12/9/2016
Defendant's Pretrial Disclosures Due	12/24/2016
Defendant's 30-day Trial Period Ends	2/7/2017
Plaintiff's Rebuttal Disclosures Due	2/22/2017
Plaintiff's 15-day Rebuttal Period Ends	3/24/2017

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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