

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Johnson

Mailed: June 12, 2003

Cancellation No. 92032774

DF. GERALD BIDAVID

v.

ROBERT G. ROSENTHAL

***LaToya C. Johnson, Paralegal:***

Petitioner's motion (filed November 18, 2002) to compel is hereby granted as conceded. See Trademark Rule 2.127(a).

In view thereof, respondent is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order to submit its responses, without objection, to petitioner's first set of interrogatories and first request for production of documents. See *Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718, (TTAB 1987).

In the event respondent fails to respond to petitioner's discovery requests as ordered herein, petitioner's remedy lies in a motion for judgment pursuant to Trademark Rule 2.120(g)(f), 37 CFR Section 2.120(g).

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Accordingly, trial dates, including the closing date of discovery, are reset as indicated below:

DISCOVERY PERIOD TO CLOSE: **9/11/03**

30-day testimony period for party in position of plaintiff to close: **12/10/03**

30-day testimony period for party in position of defendant to close: **2/8/04**

15-day rebuttal testimony period to close: **3/24/04**

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 the 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.