

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

DUNN

Mailed: April 2, 2007

Cancellation No. 92041307

QIAGEN GMBH

v.

BIO-RAD LABORATORIES, INC.

**Elizabeth A. Dunn, Attorney:**

This case now comes up on petitioner's motion, filed February 13, 2007, to compel respondent to answer petitioner's first set of interrogatories and first request for the production of documents. Respondent has failed to file a brief in response to petitioner's motion. See Trademark Rule 2.127(a).<sup>1</sup>

In view of the circumstances set forth in petitioner's motion to compel, and because respondent has not responded to the motion, petitioner's motion to compel discovery is granted. See Trademark Rule 2.120(e).

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<sup>1</sup> Trademark Rule 2.127(a) reads, in relevant part, as follows: "When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded."

Respondent is allowed until 20 days from the mailing date of this order in which to respond to petitioner's first set of interrogatories and first request for the production of documents, without objection, and to produce for inspection and copying any relevant documents, failing which a motion for sanctions will be entertained by the Board. See Trademark Rule 2.120(g)(1).

Proceedings are considered to have been suspended with the filing of the motion to compel but are now resumed. Trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE:	<b>CLOSED</b>
Thirty-day testimony period for party in position of plaintiff to close:	<b>July 1, 2007</b>
Thirty-day testimony period for party in position of defendant to close:	<b>August 30, 2007</b>
Fifteen-day rebuttal testimony period to close:	<b>October 14, 2007</b>

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.

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