

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: October 21, 2003

Cancellation No. 92041652

AMERICAN RICE, INC.

v.

DUNMORE PROPERTIES S.A.

Andrew P. Baxley, Interlocutory Attorney:

In view of the discovery and trial schedule set forth in the Board's July 25, 2003 order, respondent's consented motion (filed July 22, 2003) to extend discovery and trial dates is moot.

Petitioner's motion (filed August 18, 2003) to compel discovery is noted. Proceedings herein are suspended, retroactive to August 18, 2003, pending disposition of the motion to compel, except as discussed below.¹ The parties should not file any paper which is not germane to the motion

¹ The Board deems the filing of the motion to compel to have tolled respondent's time to respond to any discovery requests that petitioner served on or after August 13, 2003, the date on which petitioner served its motion to compel. Accordingly, respondent's motion (filed October 2, 2003) to extend time to serve discovery responses and to reset discovery and trial dates is moot.

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to compel. See Trademark Rule 2.120(e)(2); TBMP Section 510.03(a).²

This suspension order does **not** toll the time for either party to respond to discovery requests which had been duly served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to compel. See *id.* The motion to compel will be decided in due course.

² See Notice of Final Rulemaking published in the *Federal Register* on September 9, 1998 at 63 FR 48081 and in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.