

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

Mailed: April 29, 2004

Cancellation No. 92042518

CALIFORNIA AUDIO TECHNOLOGY

v.

DIETER PLADWIG-GORING

Nancy L. Omelko, Interlocutory Attorney:

This case now comes up on respondent's motion (filed February 25, 2004) to compel. Petitioner has failed to file a brief in response to respondent's motion. See Trademark Rule 2.127(a).¹

In view of the circumstances set forth in respondent's motion to compel, and because petitioner has not responded to the motion, respondent's motion to compel discovery is hereby granted. See Trademark Rules 2.120(e). Inasmuch as petitioner has inappropriately objected to respondent's first set of interrogatories petitioner must respond to the requests as put. See TBMP §407.01 and cases cited therein.

Accordingly, respondent's motion to compel is granted, and petitioner is allowed until **thirty days** from the mailing

¹ 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."

date stamped on this order to respond to respondent's first set of interrogatories, without objection.

Accordingly, proceedings are resumed, and discovery and testimony periods are reset as follows:

DISCOVERY PERIOD TO CLOSE:	August 1, 2004
30-day testimony period for party in position of plaintiff to close:	October 30, 2004
30-day testimony period for party in position of defendant to close:	December 29, 2004
15-day rebuttal testimony period to close:	February 12, 2005

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.