

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

Mailed: March 9, 2010

Cancellation No. 92048118

Jack Richeson & Co., Inc.

v.

Select Export Corp. dba  
Trident

**George C. Pologeorgis, Interlocutory Attorney:**

Pending before the Board are (1) petitioner's motion to suspend these proceedings for cause filed on October 21, 2009 and (2) petitioner's motion to suspend these proceedings for the purpose of taking the testimonial deposition upon written questions of petitioner's witness, Dominicos Zanocca, a resident of Brazil. Both motions are briefed.

Initially, the Board notes that on December 24, 2009, petitioner withdrew its motion to suspend for cause. Accordingly, petitioner's motion to suspend for cause will be given no further consideration.

We now turn to petitioner's motion to suspend for the purposes of taking the testimonial deposition upon written question of petitioner's witness, Mr. Zanocca. The Board notes that petitioner submitted its notice of testimonial deposition

upon written questions concurrently with its motion to suspend.

In response, respondent contends that petitioner should be required to conduct its testimony during a normal testimony period without further suspension regardless of the way petitioner conducts its testimony deposition, i.e., either orally or by written questions. Respondent is mistaken.

Trademark Rule 2.124(d)(2) states, in relevant part, that, upon receipt of written notice that one or more testimonial depositions are to be taken upon written questions, the Board shall suspend proceedings to allow the orderly completion of such depositions upon written questions.

In view thereof and insofar as petitioner has provided its written notice of taking the testimonial deposition of Mr. Zanocca upon written questions, petitioner's motion to suspend these proceedings for purposes of taking Mr. Zanocca's testimony deposition upon written questions is granted.

Accordingly, proceedings herein are suspended pursuant to Trademark Rule Trademark Rule 2.124(d)(2) in order to allow the parties sufficient time in which to complete the testimony upon written questions of Mr. Zanocca.

Petitioner shall promptly advise the Board of the completion of the testimony upon written questions in order

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that the Board can reschedule the remaining trial dates (commencing with petitioner's trial period) in this case.

The parties are advised that procedures applicable to depositions on written questions are set forth in Trademark Trial and Appeal Board Manual of Procedure (TBMP) Section 703.02 (2<sup>nd</sup> ed., rev. 2004).