

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

Mailed: May 2, 2011

Cancellation No. 92051140

Leonid Nahshin

v.

Product Source International,
LLC

Ann Linnehan, Attorney
571-272-3946

On February 2, 2011, proceedings herein were suspended pursuant to Trademark Rule 2.124 for the completion of two depositions upon written questions for Leonid Nahshin and Alexander Slobidker. In the Board's suspension order, the Board stated that upon completion of the depositions upon written questions, the parties should inform the Board so that proceedings may be resumed.

In contravention of this order, petitioner filed what appears to be testimony on February 22, 2011.¹ Such filings were filed out of time. Nonetheless, rather than have petitioner refile that which was filed while the case was suspended, the Board will consider these filings timely filed. Strict compliance with the Board's schedule and

¹ The Board notes that petitioner also filed what appears to be a notice of the taking of a deposition on February 10, 2011.

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orders is expected of the parties with regard to all future filings.²

On February 23, 2011, petitioner filed a motion to resume proceedings wherein he states that the depositions upon written questions of the two witnesses (Leonid Nahshin and Alexander Slobidker) was complete. Thereafter, respondent filed a brief in response wherein it stated that petitioner's request to resume proceedings was premature because the time that respondent has to cross-examine the witnesses has not run. Respondent seeks 25 days from the date that petitioner served the deposition questions to proceed with the cross-examinations. Petitioner filed a brief in reply wherein he states that he made a mistake in serving the proposed deposition questions with the answers and asks the Board to grant respondent's request to allow time for the completion of the depositions in accordance with Trademark Rule 2.124.

To the extent that it appears the depositions upon written questions have not been completed in accordance with the Board's rules, the motion to resume is denied.

Respondent is allowed **twenty five days** from the date set forth above to serve cross questions upon petitioner.³

² Once proceedings are resumed, the Board will consider petitioner's February 2011 filings when resetting the schedule. The Board notes that respondent's motion to strike was also filed during the suspension of proceedings.

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Thereafter, the parties should complete the depositions of Leonid Nahshin and Alexander Slobidker in accordance with the schedule outlined in Trademark Rule 2.124. Once the parties have completed the two depositions upon written questions they should immediately inform the Board so that proceedings may be resumed. The parties should not file any papers during the suspension of these proceedings without seeking leave of the interlocutory attorney by telephone.

Consideration of respondent's March 16, 2011 motion to strike is deferred.

³ Respondent's request for twenty-five days from the date that petitioner served the deposition questions is moot due to the Board's delay in acting on this file. Respondent's March 31, 2011 filing which asks for additional time is moot. To the extent such filing could be construed as a surreply the parties should note that the Board does not consider surreplies. See TBMP Section 502.02(b) (2d ed. rev. 2004).

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