

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

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Mailed: August 23, 2012

Cancellation No. 92055020

Tech Data Corporation

v.

StreamOne¹

**Robert H. Coggins,
Interlocutory Attorney:**

Proceedings are suspended pending disposition of petitioner's motion (filed August 16, 2012) to compel disclosure and discovery, except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

This suspension order does not toll the time for either party to make any required discovery disclosure, to respond to discovery requests which had been duly served prior to the filing and service of the motion to compel, or to appear for a

¹ Although the parties have referred to respondent as "StreamOne LLC" in the caption of their filings, respondent's name as it was set forth in the underlying application and in the resulting registration certificate is "StreamOne." In view thereof, the caption of this proceeding will name respondent as "StreamOne," not "StreamOne LLC."

discovery deposition which had been duly noticed prior to the filing and service of the motion to compel. *Id.*

Although the motion refers to sanctions in one sentence (see p. 3), such language is not helpful to petitioner. Indeed, the language has only served to slow down Board processing of this case. Petitioner provided no authority for any sanction, discovery sanctions under Trademark Rule 2.120(g) do not appear to be triggered in the motion, and the motion is clearly one to compel. In view thereof, the motion will be considered only to the extent it presents as a motion to compel; no sanction will be considered under this motion.

The motion to compel will be decided in due course.