

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: June 19, 2015

Cancellation No. 92056816

Google Inc.

v.

VIA Technologies, Inc.

Cheryl S. Goodman, Administrative Trademark Judge:

Proceedings are suspended pending disposition of Petitioner's motion, filed May 28, 2015, to compel and for an extension of deadlines, and Respondent's motion, filed June 11, 2015, to quash except as discussed below. The Board also notes Respondent's unconsented motion, filed March 31, 2015, to amend the subject registrations,¹ and Petitioner's motion, filed April 21, 2015, to amend its pleading,² which have been fully briefed. The parties should not file any paper which is not germane to the motion to compel, *see* Trademark Rule 2.120(e)(2), motion to quash, or motions to amend.

The deposition on written questions which is the subject of the motion to quash is tolled during the pendency of the motion to quash. Except for the aforementioned deposition on written questions neither the filing of the motion to compel nor this

¹ Petitioner responded to the motion on April 20, 2015.

² Respondent responded to the motion on May 11, 2015.

suspension order tolls the time for parties to make required discovery disclosures, or to respond to any outstanding discovery requests which had been served prior to the filing of the motion to compel, nor does it excuse a party's appearance at any discovery deposition which had been duly noticed prior to the filing of the motion to compel. When the motion to compel is filed after discovery has closed, but prior to the opening of the first testimony period, the time period for making pretrial disclosures is suspended. *See* Trademark Rule 2.120(e)(1); TBMP § 523.01.

Additionally, the Board notes the parties consented to an extension of the deadlines. The motion to extend (filed March 27, 2015) is granted. Accordingly, expert disclosure, discovery and trial dates are reset as stipulated in the March 27, 2015 motion.

The motion to compel, motion to amend the registrations, motion to amend the pleading and motion to quash³ will be decided in due course.

³ The Board notes Respondent's request for a telephone conference to resolve the motion to quash. However, given that the other pending motions mentioned herein may have a bearing on the disposition of the motion to quash, the Board has determined that the motion to quash should be considered in conjunction with the other pending motions and will consider the motion to quash on written briefs.