

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

mw/kk

Mailed: July 31, 2015

Cancellation No. 92060426

*Cloud9 Distributors LLC*

*v.*

*Unitabac, LLC*

**Cheryl S. Goodman, Administrative Trademark Judge:**

Proceedings are suspended pending disposition of Respondent's motion (filed July 20, 2015) to compel discovery, except as discussed below.<sup>1</sup> The parties should not file any paper which is not germane to the motion to compel. *See* Trademark Rule 2.120(e)(2).

Neither the filing of the motion to compel nor this 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.

The motion to compel will be decided in due course.

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<sup>1</sup> Applicant's request for extension of time to take discovery depositions is noted.