

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: November 6, 2002

Cancellation No.91151477

THE B. MANISCHEWITZ COMPANY,
LLC

v.

FOUR SEASONS FRUIT SOUP,
CORP.

Eric McWilliams, Legal Assistant

On August 22, 2002, applicant filed with the Board a copy of its first set of interrogatories and a copy of its first requests for production of documents that were apparently served on counsel for opposer. However, requests for discovery, responses thereto, and materials or depositions obtained through the discovery process should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. The Board may return discovery

papers or materials filed under other circumstances. See 37 CFR §2.120(j)(8); and TBMP §413 and authorities cited therein.

In view thereof, applicant is advised that the Board will accept the filing of discovery materials only in those instances outlined above.