

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

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Mailed: March 6, 2003

Opposition No. 152,660

International Nutrition  
Company

v.

Horphag Research, Ltd.

**Albert Zervas, Interlocutory Attorney**

This case now comes up on opposer's contested motion to suspend (filed January 9, 2003) the opposition pending resolution of Cancellation No. 26,569. The Board has reviewed the record in this opposition and the record in Cancellation No. 26,569. The discovery period is scheduled to conclude on March 16, 2003 in this case. See the Board's institution order (mailed August 28, 2002). In Cancellation No. 26,569, the plaintiff has filed a notice of testimonial deposition<sup>1</sup> and has represented that a renewed motion to compel is pending in seeking an extension of time.<sup>2,3</sup> Thus,

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<sup>1</sup> Upon receipt of written notice that one or more testimony depositions are to be taken upon written questions, the Board will suspend or reschedule other proceedings in the case to allow for the orderly completion of the depositions upon written questions. See Trademark Rule 2.124(d)(2); and TBMP §714.04.

<sup>2</sup> Pursuant to Trademark Rule 2.120(e)(2), the Board will suspend proceedings when a party files a motion to compel discovery.

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unlike the cancellation, the opposition is moving forward. Therefore, opposer's motion to suspend is denied.

The parties are allowed until **twenty days** from the mailing date of this order to file arguments as to whether Cancellation No. 26,569 and Opposition No. 152,660 should be consolidated. See TBMP § 511.

Discovery and trial dates in this opposition remain as set in the Board's institution order.

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<sup>3</sup> The record in Cancellation No. 26,569 does not yet reflect the renewed motion to compel.