

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

DUNN
Mailed: October 14, 2004

Opposition No. 91154654

UBS AG

v.

United Security Bank

Elizabeth A. Dunn, Attorney:

This case now comes up on opposer's motion, filed February 4, 2004¹, to compel applicant to serve supplemental responses to Interrogatories 33 and 34 in opposer's second set of interrogatories, and to produce the documents identified therein. Applicant has failed to file a brief in response to opposer's motion. See Trademark Rule 2.127(a).²

In view of the circumstances set forth in opposer's motion to compel, and because applicant has not responded to the motion, opposer's motion to compel discovery is granted. See Trademark Rule 2.120(e).

Applicant is allowed until 20 days from the mailing date of this order in which to serve supplemental responses

¹ The delay in acting upon this matter is regretted.

² Trademark Rule 2.127(a) reads, in relevant part, as follows: "When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded."

to Interrogatories 33 and 34 in opposer's second set of interrogatories, without objection, and to produce the documents identified therein, also without objection, failing which a motion for sanctions will be entertained by the Board. See Trademark Rule 2.120(g)(1).

Discovery and trial dates are reset as follows:

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|--|--------------------------|
| DISCOVERY | December 20, 2004 |
| Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto) | March 20, 2005 |
| Testimony period for party in position of defendant to close: (opening thirty days prior thereto) | May 19, 2005 |
| Rebuttal testimony period for plaintiff to close: (opening fifteen days prior thereto) | July 3, 2005 |

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
