

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

DUNN

Mailed: April 19, 2005

Opposition No. 91155188

Joe J. Alfaro, Jr.

v.

Guy A. Hoffman

Elizabeth A. Dunn, Attorney:

As reset by the Board's May 28, 2004 order, opposer's testimony period closed February 26, 2005, and applicant's testimony period closes April 26, 2005. Opposer, acting *pro se*, submitted a notice of reliance and testimony depositions.

On March 31, 2005, within ten days from the opening date of defendant's testimony period, counsel for defendant filed a notice that the deposition of defendant Guy Hoffman would be taken upon written questions. Opposer did not, within fifteen days from the date of service of the notice, exercise its right under the Trademark Rules to file a motion showing good cause for an order that the deposition be taken by oral examination.

Accordingly, pursuant to Trademark Rule 2.124(d)(2), proceedings herein are suspended in order to allow the parties sufficient time in which to complete the testimony upon written questions of Mr. Hoffman. Applicant shall promptly advise the Board of the completion of the testimony upon written questions in order that the Board can reschedule the remaining trial dates (commencing with applicant's trial period) in this case.

The parties are advised that procedures applicable to depositions on written questions are set forth in Trademark Trial and Appeal Board Manual of Procedure (TBMP) §702.02(g)(2<sup>nd</sup> ed., rev. 2004).

Proceedings herein remain suspended pending notice by applicant of the completion of the testimony upon written questions.

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