

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

Mailed: March 31, 2009

Opposition No. 91168033

UBS AG

v.

United Bankers' Bank

Frances S. Wolfson, Interlocutory Attorney:

On March 13, 2009, opposer filed a motion to strike certain portions of applicant's evidence submitted under notices of reliance.

It is the policy of the Board not to read trial testimony or examine other trial evidence prior to final decision. See TBMP § 532 (2d ed. rev. 2004) and authorities cited in that section. Here, the motion to strike cannot be resolved simply by reviewing the face of the notices of reliance (and attached documents), but instead would require a review of testimony or other evidence.

Accordingly, determination of the motion is deferred until final hearing.

Briefing dates remain as set in the Board's order dated January 31, 2009.