

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

Baez

Mailed: May 23, 2006

Opposition No. 91168183

U.S. Bariatric, LLC

v.

Elaine F. Kommers

Jyll S. Taylor, Attorney:

On May 2, 2006, the Board approved opposer's motion, filed April 26, 2006, to extend its time to respond to discovery requests. On the same day, applicant filed an opposition to this motion.

In view of applicant's opposition, the Board's May 2, 2006 order was in error and is hereby set aside.

Proceedings herein are otherwise **suspended** pending disposition of opposer's motion to extend and opposer's motion, filed May 3, 2006, to compel, except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

This suspension order does **not** toll the time for either party to respond to discovery requests which had been duly

served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to compel. See Id.

The outstanding motions will be decided in due course.
