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

EJW

Mailed: November 20, 2009

Opposition No. 91180564

BRAZILIAN TRAVEL SERVICE, LTD.

v.

ONLINE TRAVEL SERVICES, INC.

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Opposer's combined motion (filed April 16, 2009[1]) to compel and to extend the close of discovery is hereby granted as uncontested to the extent discussed below.[2] *See* Trademark Rule 2.127(a), 37 C.F.R. § 2.127(a).

Accordingly, applicant is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order its initial disclosures required under Trademark Rule 2.120(a) and its responses, *without objection*, to opposer's first set of interrogatories and first request for the production of documents and things, which were served on

[1] The delay in acting upon this matter is regretted.

[2] This proceeding was suspended on May 5, 2009; therefore, opposer's motion to suspend this proceeding is moot.

applicant on March 3, 2009. *See Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718 (TTAB 1987).

Further, insofar as applicant failed to respond to opposer's first set of requests for admission and has failed to file a motion to amend or withdraw those admissions, by operation of Federal Rule 36(a), the admission requests are deemed admitted. *See* Fed. R. Civ. P. 6(b) and 36(a); TBMP § 525 (2d ed. rev. 2004). *See also Hobie Designs Inc. v. Fred Hayman Beverly Hills Inc.*, 14 USPQ2d 2064 (TTAB 1990) (if a party upon whom requests for admission have been served fails to timely respond thereto, the requests will stand admitted unless the party is able to show that its failure to timely respond was the result of excusable neglect; or unless a motion to withdraw or amend the admissions is filed pursuant to Federal Rule 36(b), and granted by the Board).

In the event applicant fails to serve its initial disclosures or to respond to opposer's discovery requests as ordered herein, opposer's remedy lies in a motion for sanctions pursuant to Trademark Rule 2.120(g), 37 C.F.R. § 2.120(g).

Proceeding Resumed; Dates Reset

This proceeding is resumed. Trial dates, including the extended discovery period, are reset as follows:

Discovery Closes	**1/28/2010**
Plaintiff's Pretrial Disclosures	**3/14/2010**

Plaintiff's 30-day Trial Period Ends	**4/28/2010**
Defendant's Pretrial Disclosures	**5/13/2010**
Defendant's 30-day Trial Period Ends	**6/27/2010**
Plaintiff's Rebuttal Disclosures	**7/12/2010**
Plaintiff's 15-day Rebuttal Period Ends	**8/11/2010**

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. *See* Trademark Rule 2.l25, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.l28(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.l29, 37 C.F.R. § 2.129.

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