

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

Mailed: August 9, 2011

Opposition No. **91191159**
(parent)

No. 91191160
No. 91191161
No. 91191162
No. 91191163
No. 91191164
No. 91191165
No. 91192776
No. 91194368
No. 91194369
No. 91194370

Upward Unlimited

v.

United Football League, LLC

Cheryl S. Goodman, Interlocutory Attorney:

On December 8, 2010, opposer filed a motion to compel for applicant's failure to serve responses to its interrogatories (nos. 1-40) and requests for production (nos. 1-84). On December 28, 2010, applicant responded to the motion by arguing that the motion to compel "has been mooted by UFL's service of Responses to Upward's Interrogatories Nos. 1-40 and Upward's Requests for Production Nos. 1-84." In reply, opposer appears to concede the motion to compel is moot with regard to the now served interrogatory requests but not the requests for production

("Upward's Motion to Compel has not been mooted by UFL's service of discovery responses which did not actually include any production of document and things requested"). Opposer further states that applicant "indicated by letter" that it would produce some responsive documents on January 21, 2011 (as well as "a timeline for additional production of documents") at which time opposer "will assess the sufficiency of the production" to determine whether "UFL has complied with Upward's discovery requests."

No further filings have been made by opposer to advise whether applicant has now produced documents and things so as to make the motion to compel moot with regard to the service of responses to its requests for production, and the motion to compel has not been supplemented by opposer to indicate that the responses provided by applicant are insufficient. Trademark Rule 2.120(e) provides that "[i]f issues raised in the motion are subsequently resolved . . . the moving party should inform the Board in writing of the issues in the motion which no longer require adjudication."

In view thereof, opposer is allowed until TWENTY DAYS from the mailing date of this order to advise if issues remain with regard to the motion to compel, failing which, the Board will deem the motion moot.

Proceedings herein remain otherwise suspended.