

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

RK/lg

Mailed: May 9, 2011

Opposition No. **91194817**

Lincoln National Corporation¹

v.

Kent G Anderson

Yong Oh (Richard) Kim, Interlocutory Attorney:

On December 28, 2010, opposer filed a motion to compel applicant's responses to opposer's first set of interrogatories and requests for production of documents and to deem as admitted opposer's first set of admission requests. The record showing no response thereto by applicant, the motion is hereby **GRANTED as conceded**. See Trademark Rules 2.120(e) and 2.127(a).

Applicant is hereby ordered to serve no later than **June 1, 2011** its responses, without objection on the merits, to opposer's first set of interrogatories and

¹ On July 13, 2010, the Board's institution order of May 10, 2010 to opposer's counsel was returned as undeliverable. Upon review of the correspondence address, it appears that counsel's zip code should have been 60690 rather than 60606. In view thereof, opposer's correspondence address has been corrected and a copy of the Board's institution order is enclosed herein.

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requests for production. See *No Fear, Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000).

In the event applicant fails to respond to opposer's discovery requests as ordered herein, applicant may be subject to sanctions, potentially including entry of judgment against it. Trademark Rule 2.120(g); Fed. R. Civ. P. 37(b)(2).

Opposer's first set of requests for admission are **DEEMED ADMITTED** pursuant to Fed. R. Civ. P. 36(a)(3).

Dates are reset as follows:

Applicant's Discovery Responses Due	6/1/2011
Discovery Closes	7/1/2011
Plaintiff's Pretrial Disclosures Due	8/15/2011
Plaintiff's 30-day Trial Period Ends	9/29/2011
Defendant's Pretrial Disclosures Due	10/14/2011
Defendant's 30-day Trial Period Ends	11/28/2011
Plaintiff's Rebuttal Disclosures Due	12/13/2011
Plaintiff's 15-day Rebuttal Period Ends	1/12/2012

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. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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