

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: November 28, 2017

Opposition No. 91228289

*Padraic C. McFreen*

*v.*

*Mitac International Corp.*

Jennifer Krisp, Interlocutory Attorney:

In the November 21, 2017 order, the Board granted Applicant's August 22, 2017 motion to compel discovery, allowed Opposer time in which to serve supplemental responses to certain discovery requests, and reopened discovery for Applicant to take follow-up discovery. On that same date, ostensibly shortly after receipt of the Board's order, Opposer filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56(a). The record is unclear with respect to whether and when Opposer served supplemental responses to Applicant's discovery requests, as the Board directed in its order. Accordingly, it appears that Opposer filed his summary judgment motion prior to or in lieu of complying with the order.

The Board retains the discretion to make any appropriate order concerning a proceeding for the purpose of, *inter alia*, maintaining and assuring the orderly progress of discovery and trial. *Cf.* TBMP § 527.01(e) (the supervision of discovery lies within the Board's discretion).

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In view of these particular circumstances, suspension of this proceeding under Trademark Rule 2.127(d) pending disposition of the motion for summary judgment would prematurely impede the progression of discovery as the Board has permitted. To this end, the Board does not suspend proceedings pending disposition of Opposer's motion, and Opposer's motion will be given no consideration.

Discovery and trial dates remain as reset in the November 21, 2017 order, as follows:

Discovery Closes [FOR APPLICANT ONLY]	1/29/2018
Plaintiff's Pretrial Disclosures Due	3/15/2018
Plaintiff's 30-day Trial Period Ends	4/29/2018
Defendant's Pretrial Disclosures Due	5/14/2018
Defendant's 30-day Trial Period Ends	6/28/2018
Plaintiff's Rebuttal Disclosures Due	7/13/2018
Plaintiff's 15-day Rebuttal Period Ends	8/12/2018
Plaintiff's Opening Brief Due	10/11/2018
Defendant's Brief Due	11/10/2018
Plaintiff's Reply Brief Due	11/25/2018
Request for Oral Hearing (optional) Due	12/5/2018

At such time as Opposer has served his supplemental discovery responses in compliance with the November 21, 2017 order, and Applicant has completed its follow-up discovery, Opposer may file a renewed motion for summary judgment, as otherwise timely and appropriate.