

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

Baxley

Mailed: March 13, 2018

Opposition No. 91237066

ICTV Brands, Inc.

v.

Rory F. Krieger

Andrew P. Baxley, Interlocutory Attorney:

Pursuant to the Board notice instituting this proceeding, initial disclosures were due by January 13, 2018. On February 12, 2018, the deadline for filing a motion to compel initial disclosures (*see* Trademark Rule 2.120(f)(1)), Opposer filed a consented motion to extend the parties' time in which to file a motion to compel initial disclosures. *See KID-Systeme GmbH v. Türk Hava Yollari Teknik Anonim Sirketi*, 125 USPQ2d 1415, 1416 (TTAB 2018) (once the deadline for filing a motion for summary judgment passes, any motion for summary judgment filed thereafter is untimely); *La Maur, Inc. v. Bagwells Enters., Inc.*, 193 USPQ 234, 235-36 (Comm'r 1976) (motion filed before reset testimony period opened but after previous testimony period opened was untimely). *Compare* Trademark Rule 2.120(f)(1) ("A motion to compel initial disclosures must be filed within thirty days after the deadline therefor") *with* Trademark Rule 2.127(e)(1) (A motion for discovery under Fed. R. Civ. P. 56(d) must be filed within thirty days from the date of service of a summary

judgment motion; time for filing a motion under Rule 56(d) will not be extended or reopened). That motion is granted to the extent that the parties are allowed until March 19, 2018 to file a motion to compel initial disclosures herein.

Dates herein otherwise remain as set in the Board notice instituting this proceeding.