

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

EJW

Mailed: December 7, 2009

Cancellation No. 92051037

CASA LATINO REAL ESTATE
CORP.

v.

CASA LATINO LICENSING LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Respondent's motion (filed October 9, 2009) to compel production of initial disclosures and discovery responses is hereby granted as uncontested. See Trademark Rule 2.127(a), 37 C.F.R. § 2.127(a).

In view thereof, petitioner 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 respondent's first set of interrogatories and first set of requests for production of documents. See *Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718 (TTAB 1987).

In the event petitioner fails to serve its initial

Cancellation No. 92051037

disclosures¹ or to respond to respondent's discovery requests as ordered herein, respondent'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 close of discovery, are reset as follows:

Expert Disclosures Due	3/7/2010
Discovery Closes	4/6/2010
Plaintiff's Pretrial Disclosures	5/21/2010
Plaintiff's 30-day Trial Period	
Ends	7/5/2010
Defendant's Pretrial Disclosures	7/20/2010
Defendant's 30-day Trial Period	
Ends	9/3/2010
Plaintiff's Rebuttal Disclosures	9/18/2010
Plaintiff's 15-day Rebuttal Period	
Ends	10/18/2010

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

¹ The Board reminds petitioner that it brought this case and, in so doing, took responsibility for moving forward on the established schedule. See *Atlanta-Fulton County Zoo, Inc. v. DePalma*, 45 USPQ2d 1858, 1860 (TTAB 1998). Petitioner is also reminded that this proceeding was not suspended pending the Board's consideration of the parties' amended pleadings and, therefore, the trial schedule set forth in the Board's institution order was the operative schedule in this proceeding prior to this order. See *SDT Inc. v. Patterson Dental Co.*, 30 USPQ2d 1707, 1708 (TTAB 1994) (motion for leave to amend a notice of opposition is not a potentially dispositive motion which would warrant suspension under 2.127(d)).

Cancellation No. 92051037

completion of the taking of testimony. See Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(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 2.129, 37 C.F.R. § 2.129.
