

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

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Mailed: July 31, 2013

Cancellation No.92055630

U.S.A. Famous Original Ray's
Licensing Corp.

v.

Papa Ray's Pizza 1, Inc.

Karl Kochersperger, Paralegal Specialist:

On May 7, 2013, petitioner filed a motion to compel¹ respondent's responses to its first set of interrogatories and first request for production of documents and things, without objection. Petitioner indicated that it served a copy of the same on counsel for respondent. Respondent did not file a brief in response to the motion. Accordingly, the motion is granted as conceded. See Trademark Rule 2.127(a).

In view thereof, respondent is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this

¹ It is noted that the Board's order of May 24, 2013 suspended proceedings pending disposition of petitioner's motion for sanctions. Upon further review, the appropriate motion would have been a motion to compel for failure to respond to discovery. For the reasons provided in petitioner's motion, it is being construed a motion to compel. Accordingly, the Board's order of May 24, 2013 is modified to the extent that proceedings were suspended pending petitioner's motion to compel. See TBMP 408.

order its responses, without objection, to petitioner's first set of interrogatories and first request for production of documents and things. See *Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718, (TTAB 1987).

In the event respondent fails to respond to petitioner's discovery requests as ordered herein, petitioner's remedy lies in a motion for judgment pursuant to Trademark Rule 2.120(g)(1), 37 CFR Section 2.120(g).

Disclosure and trial dates are reset as follows:

Plaintiff's Pretrial Disclosures	9/30/2013
Plaintiff's 30-day Trial Period Ends	11/14/2013
Defendant's Pretrial Disclosures	11/29/2013
Defendant's 30-day Trial Period Ends	1/13/2014
Plaintiff's Rebuttal Disclosures	1/28/2014
Plaintiff's 15-day Rebuttal Period Ends	2/27/2014

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. Rule 2.125.

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