

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

kk

Mailed: May 11, 2017

Cancellation No. 92062923

*Topiclear, Inc.*

*v.*

*K & N Distributors*

**Ann Linnehan, Attorney**

Proceedings are suspended pending disposition of Respondent's motion to compel discovery and unconsented motion to extend the discovery period (both filed April 20, 2017), except as discussed below. The parties should not file any paper that is not germane to the motion to compel. *See* Trademark Rule 2.120(f)(2).

The parties may not serve any additional discovery until the period of suspension is lifted or expires by or under order of the Board. The filing of the motion to compel disclosure or discovery shall not toll the time for a party to comply with any initial disclosure requirement, or to respond to any outstanding discovery requests or to appear for any noticed discovery deposition. If the motion to compel was filed after the close of discovery, the parties need not make pretrial disclosures until directed to do so by the Board. *See* Trademark Rule 2.120(f)(2); TBMP § 523.01.

The motion to compel will be decided in due course. Petitioner's opposition (filed April 21, 2017) to the motion to compel and opposition (filed April 26, 2017) to the motion to extend the discovery period are both noted.