

UNITED STATES PATENT AND TRADEMARK OFFICE  
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May 18, 2020

Cancellation No. 92066320

*Fitness Labs Nutrition Corporation and 2575  
TCA, LLC*

*v.*

*Research Sports Nutrition, LLC and  
Nutrition Distribution, LLC*

**Winston Folmar, Interlocutory Attorney:**

On April 24, 2020, Respondent filed a motion to amend its response to a request for admission. 52 TTABVUE.

When a party files a motion to determine the sufficiency of an answer or objection to a request for an admission, the proceeding is suspended with respect to all matters not germane to the motion except as otherwise may be specified in a Board order. *See* Trademark Rule 2.120(i)(2); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (“TBMP”) § 524.01 (2019). Accordingly, as of the filing date of the aforementioned motion to amend a response to a request for admission, proceedings are **suspended** pending disposition of the motion. Any paper filed during the pendency of this motion which is not germane thereto will be given no consideration.

*Id.*

The parties should note that the schedule for discovery is also suspended by this order and may be reset when the Board resumes proceedings. TBMP § 403.04. However, this suspension order does not toll the time for either party to respond to any outstanding discovery.

The Respondent's motion to amend its response will be decided in due course.

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