

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
TTAB Assistance Center: 571-272-8500  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

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December 13, 2021

Cancellation No. 92070823

*ICware Systems, Inc. dba BatchTest  
Corporation and BatchTest Corporation*

*v.*

*Ikonix USA LLC*

**M. Catherine Faint,  
Interlocutory Attorney:**

Proceedings are suspended pending disposition of Petitioner's motion, filed December 3, 2021, to compel discovery responses and to test the sufficiency of Respondent's responses to requests for admission, except as discussed below.<sup>1</sup> 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

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<sup>1</sup> The Board notes that the time allowed in the Board's November 19, 2021 order for Petitioner to file an amended petition to cancel has passed.

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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.