

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: April 10, 2004

Opposition No. 91152180
Opposition No. 91152228
Opposition No. 91152320
Opposition No. 91152712

ROBERT J. THATE

v.

YAYA, LLC and YAYA MEDIA,
INC., joined as party
defendants

Frances S. Wolfson, Interlocutory Attorney:

On February 3, 2004, opposer filed a motion to compel YAYA MEDIA, INC. to respond to opposer's first set of interrogatories and requests for production of documents.¹ Office records indicate no response thereto. When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded. See Trademark Rule 2.127(a), and TBMP §502.04 (2d ed. June 2003). In view thereof, the motion is treated as conceded and is hereby granted.²

¹ Proceedings were suspended on February 19, 2004 pending disposition of the motion to compel. In view thereof, opposer's motion to suspend (filed February 17, 2004 but not associated with the file until after the case was suspended) is moot.

² Opposer also requests sanctions be imposed against applicant. Applicant has not previously been ordered by the Board to respond to opposer's discovery requests. Accordingly, the motion for sanctions is denied. See Trademark Rule 2.120(g).

YAYA Media, Inc. is allowed until THIRTY DAYS from the mailing date of this order to respond to opposer's first set of interrogatories and requests for production of documents.

Trial dates are reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **CLOSED**

30-day testimony period for party in the position of plaintiff to close: **July 1, 2004**

30-day testimony period for party in the position of the defendant to close: **August 30, 2004**

15-day rebuttal period for party in the position of the plaintiff to close: **October 14, 2004**

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. Trademark Rule 2.125.

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

New Developments at the Trademark Trial and Appeal Board

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers remain available for public access at the TTAB. For further information on file access, call the TTAB at (703) 308-9330.
- Parties should also be aware of recent changes in the rules affecting trademark matters, including the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf); Reorganization of

Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf).

- The second edition (June 2003) of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at www.uspto.gov/web/offices/dcom/ttab/tbmp/.