

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

Mailed: December 12, 2006

Opposition No. 91166568

DSM IP Assets B.V. and DSM
Dyneema B.V.

v.

Charles Y. Cao

George C. Pologeorgis, Interlocutory Attorney:

This case now comes up on opposer's motion, filed June 14, 2006, to compel applicant to answer opposer's first request for production of documents and opposer's first set of interrogatories. Applicant has failed to file a brief in response to opposer's motion. Accordingly, opposer's motion to compel discovery is hereby granted as conceded. See Trademark Rule 2.127(a).

Applicant is allowed until **thirty days** of the mailing date of this order to respond to opposer's first set of document requests and first set of interrogatories. Moreover, these responses must be made in full and without objection because applicant failed either to timely respond or to object to opposer's discovery requests. See *No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000). Should applicant fail to provide the ordered responses, then opposer's remedy

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will lie in a motion for entry of sanctions, in the form of entry of judgment sustaining the opposition. See Trademark Rule 2.120(g)(1).

Proceedings are hereby resumed. Discovery and trial dates are reset as set forth below.

DISCOVERY TO CLOSE **February 15, 2007**

Thirty-day testimony period for party in position of plaintiff to close: **May 16, 2007**

Thirty-day testimony period for party in position of defendant to close: **July 15, 2007**

Fifteen-day rebuttal testimony period for plaintiff to close: **August 29, 2007**

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.