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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 91169101 |
| Party | Plaintiff<br>Academy of International Business<br>Academy of International Business<br>Academy of International Business<br>7 Eppley CenterMICHIGAN STATE UNIVERSITY<br>East Lansing, MI 48824-1121<br>UNITED STATES |
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| Submission | Motion for Sanctions |
| Filer's Name | Mary M. Moyne |
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| Signature | /Mary M. Moyne/ |
| Date | 03/23/2007 |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos. 78/504,403 and 78/624,734

Academy of International Business
Opposer,

v.

Alans International Business Enterprise (AIBE)
Applicant, and
Raissa N. Roubtsova, Defendant.

Opposition Nos. 91167879
91169101

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**OPPOSER'S MOTION FOR DISCOVERY SANCTIONS**
**UNDER 37 C.F.R. § 2.120(g)**

Opposer, Academy of International Business, hereby moves the Board pursuant to Trademark Rule 2.120(g) for an order granting discovery sanctions against Alans International Business Enterprise (AIBE) and Raissa N. Roubtsova, (hereinafter defendants) under a Board Order dated December 1, 2006. In its Order dated December 1, 2006, the Board directed defendants to serve responses to opposer's outstanding discovery requests within thirty (30) days of the date of the mailing of the Order. The thirty (30) day deadline expired on December 31, 2006. To date, no responses have been received by opposer or its counsel.

## I. BACKGROUND

On July 24, 2006 and August 25, 2006 opposer filed Motions to Compel Discovery in Opposition Nos. 91/167,879 and 91/169,101. On December 1, 2006, the Board issued an Order granting opposer's Motions to Compel. The Order also consolidated the proceedings and joined Raissa N. Roubtsova as a party to the proceedings. In the Order, the Board ordered Raissa N. Roubtsova to respond fully, without objection, to opposer's discovery requests and to send the

responses directly to opposer's counsel within thirty (30) days of the mailing of the Order. The responses were due on December 31, 2006.

On December 14, 2006, Raissa N. Roubtsova filed a Motion for Extension of Time to Respond. The motion was filed electronically in Opposition No. 91/169,101 but only referenced Opposition No. 91/167,879. The motion requested an extension of time until February 28, 2007. The motion was not served upon opposer. Opposer located the motion during a status check of the proceedings.

## II. ARGUMENTS

Throughout these proceedings, defendants have waged a campaign of lies and misdirection consistently delaying the proceedings and forcing opposer to spend excessive time and money in an effort to make defendants follow the rules of the proceeding. Defendants have managed to force the Board and opposer to expend time and energy to keep the process moving while expending very little time or energy themselves. The original applicant began the campaign of delay and misdirection by assigning the marks to another entity without informing opposer or the Board. The original applicant then continued to delay the proceedings by ignoring opposer's discovery requests and opposer's attempts both by regular mail and email to contact applicant. The original applicant's avoidance of opposer forced opposer to spend time and money filing two Motions to Compel in an attempt to continue with the proceedings. The original applicant further delayed the proceedings by filing a response to opposer's motion disclaiming all responsibility by claiming it no longer owned the mark. In its response, the original applicant added another level of deceit and misconduct to its campaign by making fraudulent statements about opposer. Defendants expended just enough effort in filing the response to keep the proceedings alive. At that point, the defendants had managed to create so

much confusion that the Board was required to put the proceedings on hold just so that it could determine a correspondence address for the defendants. Through their misdirection, the defendants managed to delay the proceedings for over five (5) months and avoid having to expend any time, effort or money responding to opposer's discovery requests. In December, defendants sought to further delay the proceedings by filing a Motion for Extension of Time claiming that they needed extra time to collect the information necessary to respond to opposer's discovery requests. However, this is a blatant attempt to further delay the proceeding. Defendants had plenty of time to collect the information for the discovery requests. The original discovery requests were served on defendants on May 19, 2006 and June 23, 2006. Furthermore, opposer's discovery requests were attached to its Motions to Compel which were filed with the Board in July and August. Therefore, the discovery requests were available using TTABVUE. Defendants have shown through their actions that they know how to access and use TTABVUE. Therefore, defendants had the discovery requests for at least four (4) months when they filed their latest motion seeking to further delay the proceedings. Opposer respectfully requests that the Board put an end to defendant's campaign to delay the proceedings as well as their efforts to force opposer to waste time and money to keep the process moving forward.

In addition to their campaign to delay the proceedings, defendants have also shown a complete disregard for the laws and rules that govern these proceedings. Defendant's have consistently shown a knowledge of the trademark laws and rules when necessary to suit their purposes, but claim ignorance in the laws when favorable to their plan. The original applicant assigned the trademark applications to the new defendant and recorded the assignments. However, to delay the opposition proceedings and to force opposer to file Motions to Compel, the defendants did not inform the Board or opposer of the assignments. In contrast, the

defendants understood the trademark laws and rules well enough to file a response to opposer's Motion to Compel. Defendants also had enough knowledge of the laws and rules to request an extension of time to reply to the Board's Order. But in both instances the defendants conveniently ignored the rule requiring service upon opposer thus placing opposer at a disadvantage.

Even though the defendants have been warned twice by the Board, the defendants continue to ignore the rules governing these proceedings. Defendants should be held to the same standard as opposer and all other trademark parties. Defendants should be required to know and follow the trademark laws and rules. Defendants should not be allowed to hide behind a claim of ignorance in an effort to delay and manipulate these proceedings. Defendants' blatant disregard for following the trademark laws and rules has placed an undue burden on opposer. If defendants do not understand the laws and rules governing these proceedings, defendants should seek legal counsel as suggested by the Board. However, a review of the proceedings indicates that the defendants clearly understand the rules and laws when it is helpful to them and only claim ignorance when it will allow them to ignore a rule or law to their benefit. Defendants should not be allowed to continue to make a mockery of this proceeding.

Since defendants have been warned about following the trademark laws and rules, opposer requests that the Board stop showing defendants any leniency for their failure to follow the rules. Further opposer requests that the Board refuse to consider any documents filed by defendants which are not served on opposer. Consideration of such documents or allowing defendants to cure defective documents, gives defendants an unfair advantage and grants the defendants the ability to unfairly delay and manipulate the proceedings. At the same time, opposer is charged with the unfair burden of trying to figure out the correct response when

defendants ignore the trademark laws and rules. Defendants' continued disregard for the trademark laws and rules places an undue burden on the Board and on opposer while giving the defendants an unfair advantage and the ability to manipulate the proceedings by claiming ignorance.

## III. RELIEF REQUESTED

Opposer moves the Board to enter the appropriate sanctions against both defendants in the form of one or more of the following: entering a judgment against both defendants, refusing to allow either defendant to support or oppose designated claims or defenses, striking all or part of the pleadings of the defendants, prohibiting the defendants from introducing any evidence on matters set forth in the opposer's discovery requests, or other such sanctions as the Board deems adequate under these circumstances.

Respectfully Submitted,

**Fraser Trebilcock Davis & Dunlap, P.C.**

Date: March 23, 2007

Mary M. Moyne
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Opposer's Motion for Discovery Sanctions Under 37 C.F.R. § 2.120(g) was served upon:

Vijay Khade
General Manger
Alan International Business Enterprise
1155-E Gajlata Arcade, Suite 3
Kolhapur, MS 416001
India

Raissa N. Roubtsova
93 Boldina Street 12
Tula, 300 028 Russia

by depositing same with the U.S. Mail Service, in Lansing, Michigan, first class postage prepaid, addressed to the address/addresses listed above, this 23rd day of March, 2007.

Mary M. Moyne