

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

Mailed: July 29, 2009

Opposition No. 91187137

Mr. Kirk Fotakis

v.

Motley Crue, Inc.

**Ann Linnehan, Interlocutory Attorney:**

Applicant's motions (filed June 12, 2009 and June 24, 2009) to compel discovery are hereby granted as conceded. See Trademark Rule 2.127(a).

Opposer is allowed until **fifteen days** from the mailing date of this order to serve its initial disclosures. Opposer is allowed until **thirty days** from the mailing date of this order to: (1) serve responses to applicant's first set of interrogatories and applicant's first set of requests for production of documents, (2) select, designate and identify the items and documents, or categories of items and documents, to be produced in response thereto, and (3) notify opposer that the selection, designation and identification of such items and documents has been completed.<sup>1</sup>

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<sup>1</sup> In the event that the materials are voluminous, opposer may produce a representative sampling and so inform opposer that a representative sampling has been produced.

Applicant is allowed until **thirty days** from receipt of notification from opposer that the items or documents have been selected, designated and identified to inspect and copy the produced materials, as provided for in Fed. R. Civ. P. 34(b) and Trademark Rule 2.120(d)(2), unless the parties otherwise agree.

Opposer is also allowed until **thirty days** from the mailing date of this order to appear for his previously noticed deposition, with the parties to work out a mutually acceptable date, time, and place.

If opposer fails to fully comply with this order, applicant's remedy lies in a motion for entry of judgment as a discovery sanction under Trademark Rule 2.120(g)(1).

Proceedings herein are resumed. The remaining dates are reset as follows:

|   |            |
|---|------------|
| Discovery Closes                        | 9/11/2009  |
| Plaintiff's Pretrial Disclosures        | 10/26/2009 |
| Plaintiff's 30-day Trial Period Ends    | 12/10/2009 |
| Defendant's Pretrial Disclosures        | 12/25/2009 |
| Defendant's 30-day Trial Period Ends    | 2/8/2010   |
| Plaintiff's Rebuttal Disclosures        | 2/23/2010  |
| Plaintiff's 15-day Rebuttal Period Ends | 3/25/2010  |

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.

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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.