

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

Mailed: November 15, 2011

Opposition No. 91199186

Showtime Networks Inc.

v.

DMA International LLC

Jennifer Krisp, Interlocutory Attorney:

On September 29, 2011, opposer filed a motion to compel discovery. Applicant did not file a brief in response thereto within the time provided under Trademark Rule 2.127(a).

Opposer's motion to compel discovery is timely and is otherwise in compliance with Trademark Rule 2.120(e)(1). See TBMP § 523.02 (3d ed. 2011). Opposer seeks an order directing applicant to serve responses to Opposer's First Set of Interrogatories, and Opposer's First Set of Requests for Production, which were served on applicant on August 4, 2011.

Opposer's motion to compel discovery is hereby granted as conceded. See Trademark Rule 2.127(a); TBMP § 502.04 (3d ed. 2011).

A party which fails to respond to interrogatories or document requests during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found, upon motion to compel filed

by the propounding party, to have forfeited its right to object to the discovery request on its merits. See *No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000); TBMP § 403.03 (3d ed. 2011).

Accordingly, applicant is directed to serve on opposer, within twenty (20) days of the mailing date of this order, responses to: (1) Opposer's First Set of Interrogatories, and (2) Opposer's First Set of Requests for Production. Applicant must respond in full and without objection on the merits thereof inasmuch as applicant failed to either timely respond or to object to said discovery requests. *Id.*

In the event that applicant fails to serve full responses as ordered herein, opposer's remedy lies in a motion for the entry of sanctions in the form of entry of judgment, as appropriate. See Trademark Rule 2.120(g)(1); TBMP § 411.05 (3d ed. 2011).

Schedule

Proceedings are resumed. Expert discovery, close of discovery, pretrial disclosure and trial dates are reset as follows:

Expert Disclosures Due	2/11/2012
Discovery Closes	3/12/2012
Plaintiff's Pretrial Disclosures due	4/26/2012
Plaintiff's 30-day Trial Period Ends	6/10/2012
Defendant's Pretrial Disclosures due	6/25/2012
Defendant's 30-day Trial Period Ends	8/9/2012

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Plaintiff's Rebuttal Disclosures due	8/24/2012
Plaintiff's 15-day Rebuttal Period Ends	9/23/2012

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.