

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

Mailed: June 25, 2012

Opposition No. 91199841

Deer Stags Concepts Inc.

v.

B & S Partners, Inc. DBA
Pilgrim Shoes

Ann Linnehan, Attorney

Opposer's motion of June 30, 2011 is granted as well taken. The answer of June 3, 2011 is accepted into the record and is now the operative pleading.

This case now comes up for consideration of opposer's motion (filed January 17, 2012) to compel and to extend. While no response to the motion is of record, the Board elects to exercise its discretion and will consider the motion on its merits.

Initial Disclosures:

The Board has carefully reviewed applicant's initial disclosures and finds it appropriate to order applicant to provide complete initial disclosures in accordance with the standards set forth in Fed. R. Civ. P. 26(a)(1). Opposer's motion to compel is granted (to the extent modified below) with respect to the Initial Disclosures. Applicant must

provide complete Initial Disclosures, namely, the subject matter(s) of all discoverable information and a description of all discoverable documents.

Admissions:

To the extent applicant provided some responses to opposer's Requests for Admission Nos. 14 and 15, the Board finds it appropriate to order applicant to serve amended responses to such admission requests that comply with Fed. R. Civ. P. 36(a)(4), failing which such answers will be deemed admitted by operation of Fed. R. Civ. P. 36.

Interrogatories:

With regard to Interrogatory No. 19(b), applicant's answer is incomplete. Applicant must provide a full and complete answer to such interrogatory. To the extent that applicant has provided some responses to opposer's First Set of Interrogatories, the Board does not find that applicant has forfeited its right to object to this request. Opposer's motion to compel with respect to Interrogatory No. 19(b) is granted to the extent modified herein.

Document Requests:

To the extent applicant has not provided responses to opposer's First Set of Requests for Documents, the motion is granted. Applicant must provide complete responses to opposer's requests *without objection*.

Applicant is allowed until **thirty days** from the mailing date of this order to: (1) serve complete Initial Disclosures which comply with Fed. R. Civ. P. 26()(1); (2) serve a full and complete answer to Interrogatory No. 19(b) of opposer's First Set of Interrogatories; (3) serve full and complete amended responses to Admission Requests Nos. 14 and 15 that comply with Fed. R. Civ. P. 36(a)(4); (4) serve on opposer properly certified supplemental responses to opposer's first set of interrogatories and first set of requests for admissions such that they meet the requirements set forth in Fed. R. Civ. P. 33(b)(5) and 36(a)(3); (5) serve full and complete responses *without objection* to opposer's first set of requests for production of documents, (6) select, designate and identify the items and documents, or categories of items and documents, to be produced in response thereto; and (6) notify opposer that the selection, designation and identification of such items and documents has been completed.¹

Opposer is allowed until **thirty days** from receipt of notification from applicant 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.

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

34(b) and Trademark Rule 2.120(d)(2), unless the parties otherwise agree.

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

Resumption of Proceedings

Proceedings herein are resumed. The Board finds it appropriate to reset dates such that both parties have the necessary time to comply with this order.² Accordingly, dates are reset as follows:

Expert Disclosures Due	8/17/2012
Discovery Closes	9/16/2012
Plaintiff's Pretrial Disclosures	10/31/2012
Plaintiff's 30-day Trial Period Ends	12/15/2012
Defendant's Pretrial Disclosures	12/30/2012
Defendant's 30-day Trial Period Ends	2/13/2013
Plaintiff's Rebuttal Disclosures	2/28/2013
Plaintiff's 15-day Rebuttal Period Ends	3/30/2013

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.

² In view thereof, opposer's motion to extend is moot.