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

Proceeding	91204296
Party	Plaintiff JJI International, Inc.
Correspondence Address	CRAIG M SCOTT SCOTT & BUSH LTD ONE TURKS HEAD PLACE 4TH FLOOR PROVIDENCE, RI 02903 UNITED STATES cscott@scottbushlaw.com, smcgurk@scottbushlaw.com, pstroke@scottbushlaw.com
Submission	Motion to Compel Discovery
Filer's Name	Craig M. Scott
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Signature	/Craig M. Scott/
Date	10/16/2012
Attachments	Opposer's Motion to Compel Initial Disclosures.pdf (8 pages)(520042 bytes)

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

JJI INTERNATIONAL, INC. :
Opposer, : Appl. Ser. No.: 85356064
v. : Opposition No.: 91204296
SPARKLE LIFE, LLC :
Applicant. :

OPPOSER'S MOTION TO COMPEL INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 37(a)(3), section 523.01 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP") (3d ed. rev.2011), and 37 C.F.R. § 2.120(e)(1), Opposer, JJI International, Inc. ("JJI"), by its attorneys, hereby respectfully moves for an order compelling Applicant, Sparkle Life, LLC ("Sparkle Life"), to provide Initial Disclosures. Pursuant to Fed. R. Civ. P. 26(a)(1), as adopted by section 401.02 of the TBMP, a party must provide the following information in its Initial Disclosures:

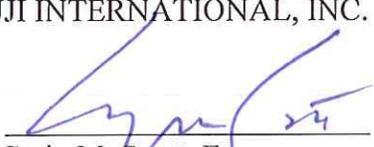
- (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment; and
- (ii) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment . . .

Sparkle Life's Initial Disclosures simply state that "Applicant has no knowledge of any documents or individuals or any other sources of factual information that Applicant has in its possession or control and that Applicant might rely on in to support Applicant's assertions or defenses." (A copy of Sparkle Life's Initial Disclosures is attached hereto as Exhibit A.). This statement is clearly deficient under the applicable rules. Having produced no information about potential witnesses or a description of relevant documents, Sparkle Life has failed to meet its disclosure obligations. Accordingly, JJI respectfully requests that Sparkle Life be ordered to provide full and complete disclosure as required under 401.02 of the TBMP within ten (10) days of the Board's determination of this motion.

Pursuant to 37 C.F.R. § 2.120(e)(1), section 523.02 of the TBMP, JJI hereby certifies that it has made, through its attorneys, a good faith effort, by correspondence, to resolve with counsel for Sparkle Life the issues presented by this motion, and has been unable to reach an agreement. Specifically, the undersigned counsel wrote to counsel for Sparkle Life on June 26, 2012 and sought to resolve the deficiency of Sparkle Life's Initial Disclosures. (A copy of the June 26, 2012 letter is attached hereto as Exhibit B.). To date, no response has been received.

Dated: October 16, 2012

JJI INTERNATIONAL, INC.

By: 

Craig M. Scott, Esq.
SCOTT & BUSH LTD.
One Turks Head Place, 4th Floor
Providence, RI 02903
Phone: (401) 865-6035
Fax: (401) 865-6039
Email: cscott@scottbushlaw.com

Attorneys for Opposer

CERTIFICATE OF SERVICE:

I hereby certify that a true and complete copy of the foregoing *OPPOSER'S MOTION TO COMPEL INITIAL DISCLOSURES* has been served on counsel to Sparkle Life LLC by sending said copy on October 16, 2012, via electronic mail and First Class Mail, postage prepaid to:

Sven W. Hanson
PO Box 357429
Gainesville, Florida 32635-7429
swhanson@bellsouth.net

A handwritten signature in blue ink, reading "Paula D. Huebner", is written over a horizontal line.

EXHIBIT A

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

JJI INTERNATIONAL, INC.

Opposer

vs.

SPARKLE LIFE, LLC

Applicant

Appl. Ser. No.: 85356064

Opposition: 91204296

Initial Disclosures

Applicant, Sparkle Life LLC, states that Applicant has no knowledge of any documents or individuals or any other sources of factual information that Applicant has in its possession or control and that Applicant might rely on in to support Applicant's assertions or defenses. This statement is based on the scope of Opposers Complaint, and Applicant will supplement this Initial Disclosure as appropriate based on any future actions or statement of Opposer.

Respectfully,

/sven w hanson 36546/

Sven W. Hanson
Attorney for Applicant
Reg. No. 36,546
352-375-0082

Date: June 22, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above **Initial Disclosure** has been served upon the Registrant's Attorney of Record, by postage prepaid first class mail addressed to Craig M. Scott, Esq.; SCOTT & BUSH LTD.; 30 Kennedy Plaza, 4th Floor; Providence, RI 02903; and copied to email cscott@scottbushlaw.com on June 22, 2012

/sven w hanson 36546/
Sven W. Hanson, date 6/22/2012

EXHIBIT B

SCOTT & BUSH LTD.

Craig M. Scott
cscott@scottbushlaw.com

June 26, 2012

Via Electronic and First Class Mail

Sven W. Hanson, Esq.
P.O. Box 357429
Gainesville, Florida 32635-7429

Re: *JJI International, Inc. v. Sparkle Life, LLC*
Opposition No. 91204296

Dear Sven:

We received Sparkle Life, LLC's ("Sparkle Life") Initial Disclosures. They are deficient. Accordingly, please consider this correspondence to be a good faith effort to confer pursuant to Fed. R. Civ. P. 37(a)(1), section 408.01(c) of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), and 37 C.F.R. § 2.120(e)(1) concerning those deficiencies.

Pursuant to Fed. R. Civ. P. 26(a)(1), as adopted by section 401.02 of the TBMP, a party must provide the following information in its Initial Disclosures:

- (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment; and
- (ii) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment . . .

Sparkle Life's Initial Disclosures state that "Applicant has no knowledge of any documents or individuals or any other sources of factual information that Applicant has in its possession or control and that Applicant might rely on in to support Applicant's assertions or defenses." This statement is clearly deficient under the applicable rules. Having produced no information about potential witnesses or a description of relevant documents, Sparkle Life has failed to meet its disclosure obligations.

Sven W. Hanson, Esq.
June 26, 2012
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Accordingly, please supplement Sparkle Life's Initial Disclosures by Friday, July 6, 2012. Otherwise, we will bring this issue before the TTAB. Thank you.

Very truly yours,

Craig Scott /ms

Craig M. Scott

cc: JJI International, Inc.
Anastasia Dubrovsky, Esq.