

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

BUO

Mailed: June 17, 2013

Opposition No. 91204777

Apple Inc.

v.

Ninja Entertainment Holdings,
LLC

Benjamin U. Okeke, Interlocutory Attorney:

Opposer's motion to compel applicant's responses to its First Set of Interrogatories and Requests for Production of Documents, filed March 1, 2010, is **GRANTED** as conceded, because applicant failed to respond thereto. Trademark Rule 2.127(a); *Central Mfg., Inc. v. Third Millennium Tech., Inc.*, 61 USPQ2d 1210 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int'l, Inc.*, 53 USPQ2d 1053 (TTAB 1999).

Applicant is ordered no later than **THIRTY DAYS** from the mailing date of this order to serve: (1) its written responses to opposer's interrogatories; and (2) all documents responsive to opposer's document requests, by copying them at its own expense and delivering them to opposer. *See, No Fear, Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000); TBMP § 406.03 (3d ed. rev. 2012).

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In the event applicant fails to respond to opposer's discovery requests as ordered, applicant may be subject to sanctions, potentially including entry of judgment against it. Trademark Rule 2.120(g); Fed. R. Civ. P. 37(b)(2).

Discovery, disclosure and trial dates are reset as follows:

Expert Disclosures Due	7/8/2013
Discovery Closes	8/7/2013
Plaintiff's Pretrial Disclosures	9/21/2013
Plaintiff's 30-day Trial Period Ends	11/5/2013
Defendant's Pretrial Disclosures	11/20/2013
Defendant's 30-day Trial Period Ends	1/4/2014
Plaintiff's Rebuttal Disclosures	1/19/2014
Plaintiff's 15-day Rebuttal Period Ends	2/18/2014

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 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.