

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

dmd

Mailed: October 7, 2013

Opposition No. 91204913

Fifty-Six Hope Road Music
Limited

v.

Samtani (Jamaica) Ltd. DBA
Tropicana Jewelers

**Denise M. DelGizzi,
Technical Program Manager:**

MOTION TO COMPEL

Opposer's motion to compel (filed June 25, 2013) and applicant's motion for summary judgment (filed September 6, 2013) are noted.¹ Opposer's motion to compel is hereby granted as conceded. See Trademark rule 2.120(e) and 2.127(a). Accordingly, applicant has until **THIRTY DAYS** from the mailing date of this order to serve on opposer's counsel complete responses to opposer's interrogatories and first request for production (served on November 29, 2013).

¹ The Board regrets the delay in acting on the motions.

Because applicant has failed either to timely respond or to object to opposer's discovery requests, applicant has forfeited its right to object to the discovery requests on their merits. Objections going to the merits of a discovery request include those which, for example, challenge the request as overly broad, unduly vague and ambiguous, burdensome and oppressive, as seeking non-discoverable information on expert witnesses, or as not calculated to lead to the discovery of admissible evidence. See *No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000). Should applicant fail to provide the ordered responses, then opposer's remedy will lie in a motion to sanctions in the form of entry of judgment sustaining the oppositions and refusing registration. See Trademark rule 2.120(g). to

Disclosures, trial and briefing periods are reset as follows:

Expert Disclosures Due	11/7/2013
Discovery Closes	12/7/2013
Plaintiff's Pretrial Disclosures	1/21/2014
Plaintiff's 30-day Trial Period Ends	3/7/2014
Defendant's Pretrial Disclosures	3/22/2014
Defendant's 30-day Trial Period Ends	5/6/2014
Plaintiff's Rebuttal Disclosures	5/21/2014
Plaintiff's 15-day Rebuttal Period Ends	6/20/2014

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 the taking of testimony. See Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 2.129.

MOTION FOR SUMMARY JUDGMENT

On July 23, 2013, the Board suspended proceedings herein pending a ruling on opposer's motion to compel discovery and informed the parties that they should not file any paper which is not germane to the motion to compel. Inasmuch as the applicant's September 6, 2013 motion for summary judgment is not deemed to be germane to opposer's motion to compel, it will not receive further consideration.
