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

Proceeding	91205896
Party	Plaintiff Beau L. Tardy
Correspondence Address	WENDY PETERSON NOT JUST PATENTS LLC PO BOX 18716 MINNEAPOLIS, MN 55418 UNITED STATES wsp@NJPLS.com
Submission	Opposition/Response to Motion
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Date	04/24/2015
Attachments	Opposer's Objection to Request for Reconsideration.pdf(25787 bytes)

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

Opposition Proceeding 91205896

In the matter of Trademark Application No. 85509929

For the mark: DIZZY

Published for Opposition Date: June 5, 2012

Beau Tardy, Opposer

v.

Wild Brain Entertainment, Inc., Applicant

OPPOSER'S OBJECTION TO APPLICANT'S REQUEST FOR RECONSIDERATION

Opposer has just filed its first Notice of Reliance that contains everything that Opposer contemplates at this time (more than one month before the deadline) to use in its final brief. All of the material in these pretrial disclosures has been provided to Applicant on other occasions and Applicant has never objected to any specific information provided as being inadequate or irrelevant. The Supplemental Disclosure in Exhibit 9 has been the subject of these Motions and Objections and contains the same type of information already provided to Applicant.

Opposer believes that this Objection is timely considering that the Notice of Reliance makes Applicant's Request for Reconsideration (or third Motion to Compel) moot on the merits. Applicant is not prejudiced in any way by the filing of this Objection.

Opposer has made multiple statements that it will accept the penalty of estoppel if it attempts to disclose something in its final brief that hasn't already been disclosed. This Request for Reconsideration serves no useful purpose in this proceeding.

Months of discovery have gone by and now discovery has concluded and Applicant has never addressed what information that it believes that Opposer is withholding. **Applicant has never asked to depose Opposer. No new discovery requests have been served in the months that Applicant has been seeking compulsion.** No effort has been identified by Applicant to find out any particular information that it believes it has been denied.

Opposer continues to maintain that all relevant information has been provided. Opposer has made multiple sworn statements that everything has been disclosed including the statement in the Supplemental Disclosure.

Opposer asks that the Request for Reconsideration be denied as lacking in merit and procedurally deficit in that if there has ever been any specific information that Applicant was looking for and did not receive Applicant always had the choice to write new specific requests or to depose Opposer but never did so. Applicant did not exhaust any of the procedural means to find this information that is supposedly lacking but has never been identified.

Submitted By: /Wendy Peterson/

Date: April 24, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2015, the foregoing was served upon Applicant's attorney
by email to:

jreichman@kenyon.com , wmerone@kenyon.com , tmocketny@kenyon.com

By: /Wendy Peterson/

Date: April 24, 2015

Wendy Peterson, Attorney for Opposer, Beau Tardy