

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

MT

Mailed: July 4, 2014

Opposition No. 91213057

Hybrid Athletics, LLC

v.

Hylete LLC

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

Opposer's motion to compel (filed May 21, 2014) is noted. Opposer's motion to compel is hereby granted as conceded. See Trademark Rule 2.120(e) and 2.127(a). Accordingly, applicant has **THIRTY DAYS** from the mailing date of this order to serve on opposer's counsel complete responses to opposer's document requests and interrogatories (served on March 4, 2014). Because applicant 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, and 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 and initial disclosures, then opposer's remedy will lie in a motion for sanctions in the form of entry of judgment sustaining the oppositions and refusing registration. *See* Trademark rule 2.120(g).

Disclosures, discovery, trial and briefing periods are as follows:

In the event that applicant fails to serve full responses as ordered herein, Opposer remedy may lie in a motion for sanctions, as appropriate. *See* Trademark Rule 2.120(g)(1); TBMP § 411.05.

Proceedings are resumed. Discovery, disclosure and trial dates are reset as indicated below:

Initial Disclosures Due	8/4/2014
Expert Disclosures Due	12/2/2014
Discovery Closes	1/1/2015
Plaintiff's Pretrial Disclosures	2/15/2015
Plaintiff's 30-day Trial Period Ends	4/1/2015
Defendant's Pretrial Disclosures	4/16/2015
Defendant's 30-day Trial Period Ends	5/31/2015
Plaintiff's Rebuttal Disclosures	6/15/2015
Plaintiff's 15-day Rebuttal Period Ends	7/15/2015

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.