

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

Tdc

Mailed: June 20, 2014

Opposition No. 91213266

ActII Jewelry, LLC d/b/a lia sophia

v.

Mialisia & Co., LLC

**Tyrone Craven, Lead Paralegal Specialist:**

On March 24, 2014, opposer filed a motion to compel discovery. Applicant did not file a brief in response thereto within the time provided under Trademark Rule 2.127(a).

Opposer seeks an order directing applicant to respond to opposer's outstanding document request and interrogatories.

The motion to compel discovery is hereby granted as conceded. *See* Trademark Rule 2.127(a); TBMP § 502.04.

A party that fails to respond to interrogatories or document requests during the time allowed therefor, and that is unable to show that its failure was the result of excusable neglect, may be found, upon motion to compel filed by the propounding party, to have forfeited its right to object to the discovery request on its merits. *See No Fear Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000); TBMP § 403.03.

Accordingly, applicant is directed to serve, within **thirty days** of the mailing date of this order, responses to opposer's outstanding document request and interrogatories. Applicant must respond in full and without objection on the merits thereof inasmuch as applicant failed either to timely respond or to object to said discovery requests. *Id.*

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

Proceedings are resumed. Disclosure, discovery and trial dates are reset as indicated below:

Expert Disclosures Due	<b>11/19/2014</b>
Discovery Closes	<b>12/19/2014</b>
Plaintiff's Pretrial Disclosures	<b>2/2/2015</b>
Plaintiff's 30-day Trial Period Ends	<b>3/19/2015</b>
Defendant's Pretrial Disclosures	<b>4/3/2015</b>
Defendant's 30-day Trial Period Ends	<b>5/18/2015</b>
Plaintiff's Rebuttal Disclosures	<b>6/2/2015</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>7/2/2015</b>

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.