

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

Mailed: October 22, 2014

Opposition No. 91214492

Under Armour, Inc.

v.

Armor & Glory LLC

**Millicent Canady, Paralegal Specialist:**

On July 17, 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).

The Trademark Trial and Appeal Board seek an order directing applicant to respond to opposer's First Set of Interrogatories and First Set of Requests for the Production of Documents and Things.

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 20 days of the mailing date of this order, responses to opposer's motion to compel. 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. Discovery, disclosure and trial dates are reset as indicated below:

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

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.