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

Proceeding	91214578
Party	Plaintiff LeMans Corporation
Correspondence Address	TARA M VOLD VOLD & WILLIAMSON PLLC 8251 GREENSBORO DRIVE, SUITE 340 MCLEAN, VA 22102 UNITED STATES trademark@vwiplaw.com
Submission	Motion for Sanctions
Filer's Name	Tara M. Vold
Filer's e-mail	trademark@vwiplaw.com
Signature	/tmv/
Date	04/07/2015
Attachments	Motion for Sanctions In The Form Of Default Judgment.pdf(439171 bytes)

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

LeMans Corporation,	)	
	)	Opposition No. 91214578
Opposer,	)	
	)	
v.	)	Mark: THORO
	)	Serial No. 85/956,925
Lemar Xavier Lewis,	)	
	)	
Applicant.	)	

MOTION FOR SANCTIONS IN THE FORM OF DEFAULT JUDGMENT

On January 30, 2015, the Board issued an Order granting as conceded Applicant's Motion to Compel and ordering Applicant to serve full and complete responses, without objection, to Opposer's first set of interrogatories and first requests for production of documents and things (both initially served on opposer back on April 24, 2014.) The Board further noted that in the event Applicant failed to respond to Opposer as ordered, the Board may entertain a motion for sanctions, including the entry of judgment pursuant to Trademark Rule 2.120(g), 37 CFR Section 1.120(g).

Having received no timely response from Applicant in connection with Opposer's December 17, 2014 Motion to Compel, Opposer's December 31, 2014 Supplemental Filing in Support of its Motion to Compel and the Board's January 30, 2015 Order (due March 2, 2015), Opposer hereby moves for sanctions, in the form of the entry of judgment pursuant to Trademark Rule 2.120(g), 37 CFR Section 1.120(g).

A Request for Permission to Withdraw as Counsel for Applicant was filed by Applicant's now second-discharged-counsel in this matter on March 2, 2015. In that filing, counsel asserted he had taken "reasonable steps to avoid foreseeable prejudice to his client." In Opposer's view,

Applicant's counsel could not have made this statement on the last day of the response period without requesting a suspension of the proceedings or an extension of the response deadline unless he was instructed or understood it was the intention of Applicant at that time not to respond to the Motion to Compel.

Opposer has been attempting to get Applicant to respond to its discovery requests for nearly a year. Despite numerous enquiries to Applicant and his multiple discharged counsel and numerous motions to the Board for assistance, Opposer is still without any appropriate or legitimate responses to discovery on behalf of Applicant.

As supported by the many filings which Opposer has been compelled to make in this proceeding, sanctions in the form of the entry of judgment are the appropriate and necessary means to end Applicant's repeated disregard for the Board directives and Applicant's transparent intention to manipulate and abuse this tribunal's resources.

Respectfully submitted,

LeMans Corporation

Date: April 7, 2015

By: Tara M. Vold

Tara M. Vold
J. Paul Williamson
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22012
571-395-4630

Attorneys for the Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION FOR SANCTIONS IN THE FORM OF DEFAULT JUDGMENT was served via email on this 7th day of April, 2015 to Applicant at the following email address lemarlewis@hotmail.com:

Alexandra Thiery-Gore