

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: February 7, 2015

Opposition No. 91215583

Facebook, Inc.

v.

Blassbooks, LLC

Jennifer Krisp, Interlocutory Attorney:

Applicant did not file a brief in response to opposer's November 25, 2014 motion to compel within the time provided under Trademark Rule 2.127(a). Opposer's motion to compel discovery is hereby granted as conceded. *See* Trademark Rule 2.127(a); TBMP § 502.04 (2014).

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 (2014).

Accordingly, applicant is directed to serve, within thirty days of the mailing date of this order, properly verified supplemental responses to opposer's Requests for Production Nos. 3-10, 15-21, 23-28 and 30, as well as

Interrogatory Nos. 2-6, 8, 9, 12, 14, 16-21, 23 and 24. Applicant must respond in full and without objection on the merits thereof.

Furthermore, applicant is allowed the same time in which to serve properly verified amended answers to opposer's Requests for Admissions, failing which the requests will be deemed admitted. *See* Fed. R. Civ. P. 36(a); TBMP § 524.01 (2014).

In the event that applicant fails to comply 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 (2014).

The Board notes that opposer also requests that the Board extend and reset dates by 90 days. However, opposer filed, on October 30, 2014, notice of its intent to present expert testimony. In accordance with Board practice, this proceeding remains suspended, and applicant is allowed until thirty days from the mailing date of this order in which to file herein notice to use a rebuttal expert. *See* Trademark Rule 2.120(a)(2) ("Upon disclosure by any party of plans to use expert testimony, whether before or after the deadline for disclosing expert testimony, the Board may issue an order regarding expert discovery and/or set a deadline for any other party to disclose plans to use a rebuttal expert.").

This proceeding shall resume only by Board order.