

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

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Mailed: July 24, 2015

Opposition No. 91215912

Stepan Company

v.

Ishihara Sangyo Kaisha, Ltd.

**By the Trademark Trial
and Appeal Board:**

On June 16, 2015, Opposer filed a motion to compel initial disclosures, discovery conference participation, and discovery responses, and for sanctions, for Applicant's failure to participate or otherwise respond. The Board finds that Opposer made a good faith effort to resolve the dispute prior to filing the motion. In its motion, Opposer's counsel notes Applicant's counsel has stated in writing, "We have been instructed by our client's Japanese counsel to take no further action in this opposition."¹ No response to the motion is of record.

The motion for sanctions under Trademark Rule 2.120(g)(2) is available for discovery depositions, interrogatories, and requests for production of documents and things, and lies where the responding party (1) has failed to respond, and (2) has informed the party seeking discovery that no response will be made. A motion for sanctions for failure to provide initial disclosures may be made when a party has

¹ 11 TTABVUE 36.

expressly stated to its adversary that it does not intend to meet its obligation. *Kairos Inst. of Sound Healing LLC v. Doolittle Gardens, LLC*, 88 USPQ2d 1541, 1542-43 (TTAB 2008). The Board may enter judgment as a sanction. Trademark Rule 2.120(g). Further, where a party does not respond to a motion, the Board may grant the motion as conceded. Trademark Rule 2.127(a).

In view of the above, Opposer's motions to compel and for sanctions are hereby **granted** as conceded. Trademark Rule 2.127(a).

The Board finds further that Applicant has indicated it does not wish to continue with this proceeding. In view thereof, Applicant is allowed until **THIRTY DAYS** from the mailing date of this order to show cause why its lack of interest should not result in entry of judgment against Applicant as provided by Trademark Rule 2.135, and dismissal of the opposition with prejudice.

In the absence of a showing of good and sufficient cause, judgment may be entered against Applicant, application Serial No. 79140926 will be abandoned and the opposition will be dismissed with prejudice.

Proceedings are otherwise suspended.
