

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 14, 2015

Opposition No. 91216214

Chapter 4 Corp. d/b/a Supreme

v.

Gregory C. Blissman

Karl Kochersperger, Paralegal Specialist:

Applicant's Discovery Requests

On January 2, 2015, applicant filed with the Board a copy of its discovery requests.

The Board reminds applicant that requests for discovery, responses thereto, and materials or depositions obtained through the disclosure or discovery process, should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or in response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. *See* Trademark Rule 2.120(j)(8); TBMP § 704.09.

The record reflects that the discovery requests were not filed with respect to any of these enumerated reasons. In view thereof, the parties are

advised that the Board will give no further consideration to applicant's discovery requests filed January 2, 2015.

Applicant's "Amended Counterclaim"

The amended counterclaim also filed by applicant on January 2, 2015 is noted. Applicant asserts a "counterclaim." However, such "counterclaim" will not be considered because the only counterclaims the Board considers are those to cancel a plaintiff's registration (usually the one(s) pleaded). *See UMG Recordings Inc. v. Mattel Inc.*, 100 USPQ2d 1868, 1873 (TTAB 2011) (jurisdiction of Board is limited to trademark registrability and Board will not consider counterclaims to cancel "future" registrations). The asserted "counterclaim" does not specifically seek to cancel any of opposer's registrations. Moreover, there is a fee for a counterclaim and applicant has not submitted any fee. *See Trademark Rules 2.106(b)(2) and 2.111; and TBMP § 313.*

Accordingly, the "counterclaim" set forth by applicant is stricken. In light of the Board's delay in acting on this paperwork, trial dates are reset as follows:

Discovery Closes	2/28/2015
Plaintiff's Pretrial Disclosures	4/14/2015
Plaintiff's 30-day Trial Period Ends	5/29/2015
Defendant's Pretrial Disclosures	6/13/2015
Defendant's 30-day Trial Period Ends	7/28/2015
Plaintiff's Rebuttal Disclosures	8/12/2015
Plaintiff's 15-day Rebuttal Period Ends	9/11/2015

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.