

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: June 30, 2015

Opposition No. 91218997

Lyle & Scott Limited

v.

T.D.C. USA, Inc.

Millicent Canady, Paralegal Specialist:

On April 1, 2015, 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 Board seeks an order directing Applicant to serve its initial disclosures.to Opposer's first set of interrogatories and document requests.

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 Thirty Days days of the mailing date of this order, responses to Opposer's first set of interrogatories and document requests. 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:

Discovery Opens	7/24/2015
Initial Disclosures Due	8/23/2015
Expert Disclosures Due	12/21/2015
Discovery Closes	1/20/2016
Plaintiff's Pretrial Disclosures	3/5/2016
Plaintiff's 30-day Trial Period Ends	4/19/2016
Defendant's Pretrial Disclosures	5/4/2016
Defendant's 30-day Trial Period Ends	6/18/2016
Plaintiff's Rebuttal Disclosures	7/3/2016
Plaintiff's 15-day Rebuttal Period Ends	8/2/2016

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.