

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

VW

Mailed: April 28, 2015

Opposition No. 91219083

*Les Trois Petits Cochons, Inc.*

*v.*

*Petit Cochon, KTK, LLC*

**Andrew P. Baxley, Interlocutory Attorney:**

On April 23, 2015, Opposer filed a motion to compel initial disclosures and responses to the discovery requests that Opposer served on March 3, 2015.

To the extent that the motion to compel relates to the discovery requests that Opposer served on March 3, 2015, Opposer has not indicated that it made any effort prior to seeking Board intervention to resolve the parties' dispute following the April 7, 2015 due date for responses to those requests.<sup>1</sup> See Trademark Rules 2.119(c) and 2.120(a)(3). Therefore, the Board finds that Opposer did not make a good faith effort to resolve the parties' dispute with regard thereto prior to seeking Board intervention. See *Hot Tamale Mama...and More, LLC v. SF Invs., Inc.*, 110 USPQ2d 1080 (TTAB 2014). The motion to compel is denied without prejudice with

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<sup>1</sup> Because Opposer has not expressly indicated that the parties agreed to e-mail service under Trademark Rule 2.119(b)(6), the Board presumes that the copy of Opposer's discovery requests was served by e-mail is a courtesy copy and that the service copy was the one served by mail. See *McDonald's Corp. v. Cambridge Overseas Development Inc.*, 106 USPQ2d 1339 (TTAB 2013).

regard to Opposer's discovery requests and will go forward as a motion to compel initial disclosures only.

Proceedings are suspended pending disposition of Opposer's motion to compel initial disclosures, except as discussed below. *See* Trademark Rule 2.120(e)(2). The parties should not file any paper which is not germane to the motion to compel initial disclosures.

Neither the filing of the motion to compel nor this suspension order tolls the time for parties to make required discovery disclosures, or to respond to any outstanding discovery requests which had been served prior to the filing of the motion to compel, nor does it excuse a party's appearance at any discovery deposition which had been duly noticed prior to the filing of the motion to compel. *See* Trademark Rule 2.120(e)(1); TBMP § 523.01.

The motion to compel will be decided in due course.