

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: September 9, 2015

Opposition No. 91220281

Iron Horse Saloon, Inc.

v.

Mark Wentura

Nicole Thier, Paralegal Specialist:

On July 28, 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).

Opposer seeks an order directing Applicant to provide its Initial Disclosures and answers to Opposer's First Set of Interrogatories and First Request for Production of Documents and Things.

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 30-days of the mailing date of this order, responses to Opposer's First Set of Interrogatories and First Request for Production of Documents and Things and Applicant's Initial Disclosures.

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:

Expert Disclosures Due	10/8/2015
Discovery Closes	11/7/2015
Plaintiff's Pretrial Disclosures	12/22/2015
Plaintiff's 30-day Trial Period Ends	2/5/2016
Defendant's Pretrial Disclosures	2/20/2016
Defendant's 30-day Trial Period Ends	4/5/2016
Plaintiff's Rebuttal Disclosures	4/20/2016
Plaintiff's 15-day Rebuttal Period Ends	5/20/2016

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.