

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: February 18, 2016

Opposition No. 91222694

33RD Company, Inc.

v.

33rd Republic

Eric McWilliams, Supervisory Paralegal:

On January 19, 2016, Opposer filed a motion to compel Applicant's initial disclosures. 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 to Opposer as required.

The motion to compel 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 of the mailing date of this order, its initial disclosures as required. In the event that Applicant fails to serve its initial disclosures 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	6/17/2016
Discovery Closes	7/17/2016
Plaintiff's Pretrial Disclosures	8/31/2016
Plaintiff's 30-day Trial Period Ends	10/15/2016
Defendant's Pretrial Disclosures	10/30/2016
Defendant's 30-day Trial Period Ends	12/14/2016
Plaintiff's Rebuttal Disclosures	12/29/2016
Plaintiff's 15-day Rebuttal Period Ends	1/28/2017

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 2.129.¹

¹ Applicant's attorney's change of address dated September 4, 2015 is noted and the Board's records have been updated accordingly.