

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

mw/nmt

Mailed: July 13, 2016

Opposition No. 91225481

*Alfred Club, Inc.*

*v.*

*Alfred Inc.*

**Michael Webster, Interlocutory Attorney:**

On June 7, 2016, 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 respond fully to Opposer's Requests for Production of Documents, Interrogatories, and Initial Disclosures. Opposer also requests a 90 day extension of trial dates from disposition of the motion to compel.

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 Requests for Production of Documents, Interrogatories, and Initial Disclosures. 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.

Expert Disclosures Due	<b>10/10/2016</b>
Discovery Closes	<b>11/9/2016</b>
Plaintiff's Pretrial Disclosures	<b>12/24/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>2/7/2017</b>
Defendant's Pretrial Disclosures	<b>2/22/2017</b>
Defendant's 30-day Trial Period Ends	<b>4/8/2017</b>
Plaintiff's Rebuttal Disclosures	<b>4/23/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/23/2017</b>

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.