

ESTTA Tracking number: **ESTTA606835**

Filing date: **05/28/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058054
Party	Defendant GMA Accessories, Inc.
Correspondence Address	NADIA MIRZA BOSTANY LAW FIRM PLLC 75 WALL STREET, SUITE 24F NEW YORK, NY 10005 UNITED STATES mail@bozlaw.com, John@bozlaw.com, n.mirza@bozlaw.com
Submission	Reply in Support of Motion
Filer's Name	Dennison D Marzocco
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Signature	/Dennison D Marzocco/
Date	05/28/2014
Attachments	Declaration.Marzocco.5.28.14.pdf(45046 bytes) Cert.of.Svc.5.28.14.pdf(12969 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
MORRIS VISITOR PULICATIONS, LLC,

Petitioner,

**DECLARATION OF
DENNISON D. MARZOCCO, ESQ.
REPLYING TO PETITIONER'S
OPPOSITION TO MOTION TO
COMPEL**

- v -

Cancellation No.: **92058054**

GMA ACCESSORIES, INC.,

Respondent.

-----X

Dennison D. Marzocco, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am the attorney for the Respondent in this proceeding and respectfully submit this Reply to the Opposition to my Motion to Compel Petitioner to respond to our March 31, 2014 Interrogatory Requests.

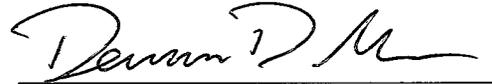
2. Petitioner admits that it ignored the requests—it neither objected nor responded by the due date and disregarded good faith efforts. After receiving the instant May 12 motion, Petitioner for the first time cites 37 CFR § 2.120(a)(3) in a letter dated May 19, 2014—almost two months after being served with the interrogatories.

3. It is generally held that a failure to object under 2:120(a)(3) renders the objection waived (objecting after a motion is untimely for this purpose). Amazon Technologies v. Wax, 93 USPQ2d 1702, 1704-1706 (TTAB 2009) (citing Fed. R. Civ. P. 33 (b)(4) (“The grounds for objection to an interrogatory must be stated with specificity. Any ground not stated in a timely

objection is waived...”). As such, it is respectfully submitted that the motion to compel be granted.

Dated: New York, New York
May 28, 2014

THE BOSTANY LAW FIRM PLLC

A handwritten signature in black ink, appearing to read "Dennison D. Marzocco", written over a horizontal line.

By: Dennison D. Marzocco
Attorneys for Respondent
75 Wall Street, Suite 24F
New York, New York 10005
(212) 530-4400

Certificate of Service

I, Dennison D. Marzocco, hereby certify that the enclosed Declaration of Dennison D. Marzocco Replying to Petitioner's Opposition is being deposited with the United States Postal Service on May 28, 2014, postage pre-paid, addressed to the following:

Timothy E. Moses, Esq.
Moses Law Group, LLC
1030 Stevens Creek Road, Suite 140
Augusta, Georgia 30907-3204

By: 

Dennison D. Marzocco