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Filing date: **07/02/2014**

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

Proceeding	92058143
Party	Plaintiff Van de Wall B.V.
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Submission	Request for Discovery Conference
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Signature	/Babatunde Williams/
Date	07/02/2014
Attachments	AFRO- JACKS_Request_for_Discovery_Conference_Response_to_Respondent.pdf(23 6026 bytes )

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

In re: Registration No. 3,556,451  
Mark: AFROJACKS  
Issue Date: January 6, 2009

VAN DE WALL B.V.

Petitioner,

v.

Cancellation No. 92058143

D-MINOR, INC.

Respondent.

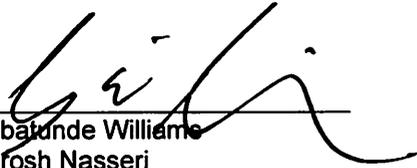
PETITIONER'S RESPONSE TO RESPONDENT'S FILING WITH THE BOARD DATED JULY 2, 2014

On July 2, 2014 Respondent filed a response with the Board in which Respondent claimed that it "has suggested a date and the filing of a consent motion, but has not received a response from Petitioner or a date amenable to [Respondent] (emphasis added)." In fact, Respondent's only scheduling proposal to date was to hold the discovery conference on July 22, 2014, more than two weeks after the July 6, 2014 discovery conference deadline set by the Board. Petitioner informed Respondent one day later that holding the discovery conference after the deadline set by the Board would require Board approval, and proposed holding the discovery conference on July 2, 2014 so as to facilitate completion of the conference within the deadline while accommodating Respondent's schedule. On June 30, 2014 Respondent informed Petitioner that Respondent would be unavailable on July 2, 2014, although notwithstanding that claim Respondent found time to compose and file its response with the Board bearing the same date.

Based on the foregoing, it is misleading for Respondent to suggest that Petitioner has not cooperated in the scheduling of the discovery conference or otherwise made sufficient efforts to timely conduct the discovery conference.

Petitioner submits that the communications (or lack thereof) described herein between Petitioner and Respondent, and Respondent's July 2, 2014 filing with the Board, actually illustrate rather than bring into question the need for the Board's assistance in the scheduling of the discovery conference as well as the Board's participation in the discovery conference.

Respectfully submitted,

By: 

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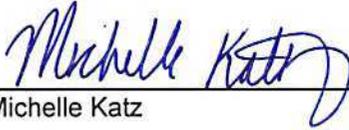
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Attorneys for Petitioner

Dated: July 2, 2014

CERTIFICATE OF MAILING

I do hereby certify that the foregoing PETITIONER'S RESPONSE TO RESPONDENT'S FILING WITH THE BOARD DATED JULY 2, 2014 is being sent by first class mail, postage prepaid, in an envelope addressed to Leslie A. Thompson, Esq., of Leslie A. Thompson & Associates, 1629 K Street, NW, Suite 300, Washington, DC 20006 on this 2nd day of July, 2014.

  
\_\_\_\_\_  
Michelle Katz

7/2/14  
\_\_\_\_\_  
Date