

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

DMD/emy

Mailed: January 30, 2015

Cancellation No. 92059305

MWR Holdings, LLC

v.

Theodore A Stoner

Elizabeth A. Dunn, Attorney:

Because Opposer failed to comply with the procedural requirements of Trademark Rule 2.120(e)(1), Opposer's motion to compel discovery responses is DENIED without prejudice.¹

Inasmuch as Opposer's motion describes a single unanswered email message sent to Applicant regarding Applicant's failure to serve discovery responses, the Board finds that Opposer failed to make the requisite good faith effort to resolve the issues presented in the motion by communication and conference with Applicant. *See Hot Tamale Mama...and More, LLC v. SF Invs., Inc.*, 110 USPQ2d 1080, 1082 (TTAB 2014).

¹ Trademark Rule 2.120(e)(1) provides, in pertinent part, "A motion to compel initial disclosures, expert testimony disclosure, or discovery must be supported by a written statement from the moving party that such party or the attorney therefor has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion but the parties were unable to resolve their differences."

Proceedings are considered to have been suspended with the filing of the motion, are now resumed, and dates are reset below:

Discovery Closes	3/5/2015
Plaintiff's Pretrial Disclosures	2/20/2015
Plaintiff's 30-day Trial Period Ends	6/3/2015
Defendant's Pretrial Disclosures	6/18/2015
Defendant's 30-day Trial Period Ends	8/2/2015
Plaintiff's Rebuttal Disclosures	8/17/2015
Plaintiff's 15-day Rebuttal Period Ends	9/16/2015

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.