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Filing date: **08/24/2012**

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

Proceeding	91193675
Party	Plaintiff Federacion Nacional de Cafeteros de Colombia a/k/a National Federation of Coffee Growers of Colombia
Correspondence Address	KEITH E SHARKIN DICKSTEIN SHAPIRO LLP 1633 BROADWAY NEW YORK, NY 10019-6708 UNITED STATES lackerc@dicksteinshapiro.com, sharkink@dicksteinshapiro.com, goodwillj@dicksteinshapiro.com, ipdocketing-ny@dicksteinshapiro.com
Submission	Motion to Compel Discovery
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Signature	/Keith E. Sharkin/
Date	08/24/2012
Attachments	Motion to Compel - 8-24-12.pdf (7 pages)(191099 bytes)

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

FEDERACION NACIONAL DE CAFETEROS DE
COLOMBIA A/K/A NATIONAL FEDERATION
OF COFFEE GROWERS OF COLOMBIA,

Opposer,

v.

YOUSEF S. AL RAJHI TRADING EST.,

Applicant.

Opposition No. 91193675

OPPOSER'S MOTION TO COMPEL INITIAL DISCLOSURES

Pursuant to Rule 37 C.F.R. § 2.120(e), Federacion Nacional de Cafeteros de Colombia a/k/a National Federation of Coffee Growers of Colombia ("Opposer") moves the Board to compel Yousef S. Al Rajhi Trading Est. ("Applicant") to provide its initial disclosure as required by §2.120(a)(1) of the Trademark Rules of Practice and Rule 26(a)(1) of the Federal Rules of Civil Procedure.

Pursuant to the Board's May 2, 2012 Order, the parties' initial disclosures were due on July 5, 2012. (Docket No. 31). On July 5th, Opposer timely served its initial disclosures on Applicant. To date, Opposer has not received Applicant's initial disclosures. On July 12, 2012, counsel for Opposer e-mailed counsel for Applicant requesting service of Applicant's initial disclosures. *See* July 12, 2012 e-mail from Keith Sharkin to Evan G. Anderson, attached hereto as Ex. A. On August 6, 2012, having received no response from Applicant, Opposer's counsel sent a second e-mail to Applicant's counsel asking whether Applicant intended to maintain the application which is the subject of this opposition. *See* August 6, 2012 e-mail from Keith Sharkin to Evan G. Anderson, attached hereto as Ex. B. Again, Opposer received no response.

Despite Opposer's good faith effort to resolve this deficiency without Board intervention, Applicant has failed to serve its initial disclosures or otherwise respond to Opposer's correspondence. Accordingly, this motion to compel is necessary.

For these reasons, Opposer's Motion to Compel Initial Disclosures should be granted. Applicant should be required to serve initial disclosures and, should Applicant fail to do so, judgment should be entered against Applicant.

Opposer also requests that proceedings herein, including expert disclosures and discovery, be suspended until this motion is decided by the Board.

Respectfully submitted,

Dated: New York, New York
August 24, 2012

DICKSTEIN SHAPIRO LLP
Attorneys for Opposer

By:

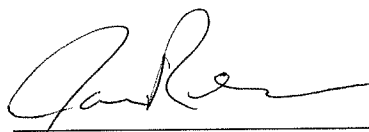


Keith E. Sharkin
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New York, New York 10019-6708
Telephone: (212) 277-6500
Facsimile: (212) 277-6501

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Motion to Compel Initial Disclosures was served upon the following attorney of record for Applicant by depositing a copy of same in the United States mail, postage prepaid, this 24th day of August, 2012, with courtesy copy by email.

Evan Anderson, Esq.
John Alumit, Esq.
Patel & Alumit, PC
16830 Ventura Blvd., Suite 360
Encino, California 91436-1711



James L. Ryerson

Exhibit A

Sharkin, Keith

From: Sharkin, Keith
Sent: Thursday, July 12, 2012 10:11 AM
To: 'Evan G. Anderson, Esq.'
Subject: Dr Cafe The Best Coffee in the World, Opposition No. 91193675

Evan: As you know, applicant's initial disclosures were due in the above-referenced opposition proceeding on July 5, 2012. To date, I have not received your client's disclosures. Please advise whether or not you served the required disclosures. If not, please let me know if you will be serving them or whether I will need to file a motion to compel. I look forward to receiving your immediate response. Regards, Keith

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Dickstein Shapiro LLP
www.DicksteinShapiro.com

Exhibit B

Sharkin, Keith

From: Sharkin, Keith
Sent: Monday, August 06, 2012 11:07 AM
To: 'Evan G. Anderson, Esq.'
Subject: RE: Dr Cafe The Best Coffee in the World, Opposition No. 91193675

Evan: Please advise whether your client has any interest in maintaining this application. Regards, Keith

From: Sharkin, Keith
Sent: Thursday, July 12, 2012 10:11 AM
To: 'Evan G. Anderson, Esq.'
Subject: Dr Cafe The Best Coffee in the World, Opposition No. 91193675

Evan: As you know, applicant's initial disclosures were due in the above-referenced opposition proceeding on July 5, 2012. To date, I have not received your client's disclosures. Please advise whether or not you served the required disclosures. If not, please let me know if you will be serving them or whether I will need to file a motion to compel. I look forward to receiving your immediate response. Regards, Keith

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