

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: April 4, 2012

Opposition No. 91200650

Market America, Inc.

v.

Vantage Hospitality Group,  
Inc.

**Jennifer Krisp, Interlocutory Attorney:**

On January 11, 2012, opposer filed a motion to compel initial disclosures and discovery. Applicant did not file herein a brief in response thereto within the time provided under Trademark Rule 2.127(a).

The motion to compel initial disclosures and discovery is timely and is otherwise in compliance with Trademark Rule 2.120(e)(1). See TBMP § 523.02 (3d ed. 2011). The motion is hereby granted as conceded. See Trademark Rule 2.127(a); TBMP § 502.04 (3d ed. 2011).

A party which fails to respond to interrogatories or document requests during the time allowed therefor 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 (3d ed. 2011).

Accordingly, applicant is directed to serve on opposer, within fifteen (15) days of the mailing date of this order, 1) initial disclosures, and 2) responses to opposer's first set of requests for production of documents, and first set of interrogatories. Applicant must respond in full and without objection on the merits thereof inasmuch as it failed to either timely respond or to object to said discovery. See *No Fear Inc. v. Rule*, 54 USPQ2d at 1554.

In the event that applicant fails to serve full responses as ordered herein, opposer's remedy lies in a motion for the entry of sanctions in the form of entry of judgment, as appropriate. See Trademark Rule 2.120(g)(1); TBMP § 411.05 (3d ed. 2011).

Schedule

Proceedings are resumed. Discovery and trial dates are reset as follows:

Expert Disclosures Due	5/11/2012
Discovery Closes	6/10/2012
Plaintiff's Pretrial Disclosures due	7/25/2012
Plaintiff's 30-day Trial Period Ends	9/8/2012
Defendant's Pretrial Disclosures due	9/23/2012
Defendant's 30-day Trial Period Ends	11/7/2012
Plaintiff's Rebuttal Disclosures due	11/22/2012
Plaintiff's 15-day Rebuttal Period Ends	12/22/2012

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.