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

Proceeding	91207764
Party	Plaintiff Consorzio Del Formaggio Parmigiano-Reggiano
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Submission	Motion for Sanctions
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of trademark application Serial No. 85/534,454

Published in the TM Official Gazette of July 3, 2012

For: IT'S IN THE PARM! (and Design)

Applicant: It's In The Parm! LLC

Consorzio del Formaggio
Parmigiano-Reggiano,

Opposer

v.

Opposition No. 91207764

It's In The Parm! LLC,

IT'S IN THE PARM! (and Design)

Applicant.

MOTION FOR SANCTIONS

Opposer, Consorzio del Formaggio Parmigiano-Reggiano, by its attorneys, Luedeka Neely Group, P.C., respectfully move for entry of judgment against Applicant, It's In The Parm! LLC, and any other relief the Board deems just as a sanction for Applicant's failure to comply with the Board's June 14, 2013 Order to provide Opposer with responses to Opposer's First Set of Interrogatories and First Request For Production of Documents pursuant to Rule 37 of the Federal Rules of Civil Procedure. Such an order is appropriate because Applicant has failed to provide Opposer with its required responses pursuant to a Board Order and the Federal Rules. Despite numerous attempts to contact Applicant to ascertain when its might expect to receive such responses, the Opposer has not received any indication as to when such responses would be received.

BACKGROUND SUMMARY

1. Opposer filed the instant opposition on October 31, 2012. The Board issued a scheduling order on the same date, setting January 9, 2013, as the deadline for the parties to participate in a discovery conference, pursuant to Trademark Rule §2.120. On January 8, 2012, the Parties participated in a scheduling conference.
2. On February 13, 2013, Opposer served Opposer's Interrogatories To Applicant Nos. 1-26 and Opposer's Documents Requests To Applicant Nos. 1-21 on the Applicant.
3. On February 18, 2013, Applicant's attorneys informed Opposer's attorneys, via email, of its intent to serve initial disclosures. No initial disclosures were ever served on Opposer's attorneys at any point during this Opposition.
4. On March 22, 2013, and April 2, 2013, Opposer's attorneys sent emails to Applicant's attorneys requesting discovery responses. No response whatsoever was ever received by the Opposer's attorneys in response to either of these emails.
5. On April 8, 2013, the Applicant filed its motion to compel with the Board. Such motion was uncontested by the Applicant and was, thereafter, granted by the Board on June 14, 2013.
6. The Board's order, mailed June 14, 2013, directed the applicant to serve its responses to Opposer's First Set of Interrogatories and First Request For Production of Documents on Opposer no later than 30 days after the mailing date of such order.
7. Thirty days have now passed since the mailing date of the Board's order. Applicant has failed to comply with the Board's order as no discovery responses were ever filed with the Board or served on the Opposer.

CONCLUSION

Applicant has clearly disregarded the Board's June 14, 2013 Order to Compel responses to Opposer's First Set of Interrogatories and First

Request For Production of Documents. Because of this blatant disregard for the Board's rules and Order, Opposer requests the Board issue an order entering default judgment against Applicant, sustaining the instant Opposition, and granting any and all other relief it deems just and proper. is motion.

Respectfully submitted,

CONSORZIO DEL FORMAGGIO
PARMIGIANO-REGGIANO

By: SD Adams

Date: August 7, 2013

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing is being served on Applicant by depositing the same as first class mail, postage prepaid, in envelopes addressed as follows:

Paulo A. de Almeida
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Dated: August 7, 2013



Stephen D. Adams