

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

Mailed: March 1, 2016

Opposition No. 91218192

DSM IP Assets B.V.

v.

American Generic Laboratories LLC

**M. Catherine Faint,  
Interlocutory Attorney:**

On January 22, 2016, Opposer filed a motion to compel discovery. Applicant did not file a brief in response thereto within the time provided under Trademark Rule 2.127(a).

Opposer seeks an order directing Applicant to provide responses to interrogatories and document requests.

The motion to compel discovery is hereby granted as conceded. *See* Trademark Rule 2.127(a); TBMP § 502.04.

A party that fails to respond to interrogatories or document requests during the time allowed therefor, and that is unable to show that its failure was the result of excusable neglect, 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.

Accordingly, Applicant is directed to serve, within **THIRTY DAYS** of the mailing date of this order, responses to Opposer's interrogatories and document requests. Applicant must respond in full and without objection on the merits thereof inasmuch as Applicant failed either to timely respond or to object to said discovery requests. *Id.*

In the event that Applicant fails to serve full responses as ordered herein, Opposer's remedy may lie in a motion for sanctions, as appropriate. *See* Trademark Rule 2.120(g)(1); TBMP § 411.05.

Proceedings are considered suspended as of the filing date of the motion to compel and are now resumed. Discovery, disclosure and trial dates are reset as indicated below:

Plaintiff's Pretrial Disclosures Due	4/7/2016
Plaintiff's 30-day Trial Period Ends	5/22/2016
Defendant's Pretrial Disclosures Due	6/6/2016
Defendant's 30-day Trial Period Ends	7/21/2016
Plaintiff's Rebuttal Disclosures Due	8/5/2016
Plaintiff's 15-day Rebuttal Period Ends	9/4/2016

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.

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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.