

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: February 24, 2016

Opposition No. 91219631

Meeshaa Inc., dba Diamond Essence

v.

Anaya Gems Inc.

Victoria von Vistauxx, Paralegal Specialist:

On November 24, 2015, Opposer filed a renewed 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 respond to Opposer's production requests nos. 2-5, 8-10, and 13 and to test the sufficiency of Applicant's responses to Opposer's admission requests nos. 2-3, 5-27, 29-34 and 36-39.

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 production requests. Opposer may test the sufficiency of Applicant's responses to admission requests nos. 2-3, 5-27, 29-34 and 36-39. 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 resumed. Discovery, disclosure and trial dates are reset as indicated below:

Discovery Closes	3/24/2016
Plaintiff's Pretrial Disclosures	5/8/2016
Plaintiff's 30-day Trial Period Ends	6/22/2016
Defendant's Pretrial Disclosures	7/7/2016
Defendant's 30-day Trial Period Ends	8/21/2016
Plaintiff's Rebuttal Disclosures	9/5/2016
Plaintiff's 15-day Rebuttal Period Ends	10/5/2016

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.

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.