

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: May 10, 2016

Opposition No. 91223429

FremantleMedia North America, Inc.

v.

World Award LLC

George C. Pologeorgis,
Administrative Trademark Judge:

Opposer's motion to compel filed on March 31, 2016 is **GRANTED** as conceded to the extent noted below. Trademark Rule 2.127(a).

Initially, the Board finds that Opposer has made a good faith effort to resolve the parties' discovery dispute prior to seeking Board intervention and that Opposer's motion is timely. *See* Trademark Rule 2.120(e)(1).

To the extent Applicant has objected to any of Opposer's interrogatory requests or document requests on the ground that a particular request is overly broad and/or burdensome, said objection is overruled. The Board also notes that Applicant's overly broad and/or burdensome objection, as it pertains to any of Opposer's document requests, is in violation of Fed. R. Civ. P. 34(b)(2)(C) because Applicant

failed to state affirmatively that it has withheld documents pursuant to its objection, as is required by the aforementioned federal rule of civil procedure.¹

Applicant is ordered to copy and produce non-privileged documents responsive to each of Opposer's document requests *without objection* (except for objections based on privilege) by **May 27, 2016**.

If there are no responsive, non-privileged documents in Applicant's possession, custody or control which are responsive to any of Opposer's document requests, Applicant must so state affirmatively in its response to the corresponding document request.

To the extent Applicant has already **fully** produced documents responsive to any of Opposer's document requests, Applicant must so state in its response to the particular document request and **identify, by bates number, the documents which are responsive to each request.**

Additionally, Applicant is ordered to provide Opposer (1) responses to Opposer's interrogatory requests *without objection* (except objections based on privilege), and (2) its verification of the interrogatory responses compelled by this order, if it already has not done so, by **May 27, 2016**. See Fed. R. Civ. P. 33(b)(5) and TBMP § 405.04(c) (2015).

¹ Additionally, to the extent Applicant responded to any of Opposer's document requests by merely stating that "Applicant is working to determine what, if any, responsive documents [it] retains concerning this request and will supplement the same upon the discovery of said documents," the Board finds that such a response is not in compliance with Fed. R. Civ. P. 34(b)(2)(B) which requires a party to provide a reasonable date certain when responsive documents will be produced.

Finally, Applicant is ordered to provide Opposer a privilege log by **May 27, 2016** to the extent that Applicant claims privilege to **any** of Opposer's written discovery requests, if it has not already done so.²

The Board ***will not*** entertain a motion to extend and/or to reopen Applicant's time to comply with this discovery order, absent Opposer's consent thereto.

In the event Applicant fails to provide Opposer with full and complete responses to the outstanding discovery, as required by this order, Applicant will be barred from relying upon or later producing documents or facts at trial withheld from such discovery.³ *See* Fed. R. Civ. P. 37(c)(1).

Trial Schedule

Proceedings are resumed. Discovery is open. Remaining trial dates are reset as follows:

Expert Disclosures Due	7/10/2016
Discovery Closes	8/9/2016
Plaintiff's Pretrial Disclosures Due	9/23/2016
Plaintiff's 30-day Trial Period Ends	11/7/2016
Defendant's Pretrial Disclosures Due	11/22/2016
Defendant's 30-day Trial Period Ends	1/6/2017
Plaintiff's Rebuttal Disclosures Due	1/21/2017
Plaintiff's 15-day Rebuttal Period Ends	2/20/2017

² The Board expects the parties (and their attorneys) to cooperate with one another in the discovery process and looks with extreme disfavor on those who do not. TBMP § 408 (2015). Each party and its attorney have a duty to make a good faith effort to satisfy the discovery needs of its adversary. *Id.*

³ If Applicant fails to comply with this order, Opposer's remedy lies in a motion for sanctions, pursuant to Trademark Rule 2.120(g)(1). Furthermore, the parties are reminded that a party that has responded to a discovery request has a duty to supplement or correct that response. *See* Fed. R. Civ. P. 26(e).

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 Trademarks Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.