

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  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

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July 17, 2019

Opposition No. 91237356

*Rocket Sports, LLC*

*v.*

*Dexter Kan*

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

Proceedings are suspended pending disposition of Applicant's June 17, 2019 motion for leave to amend its answer to add a counterclaim. Any paper filed during the pendency of these motions which is not relevant thereto will be given no consideration. *See* Trademark Rule 2.127(d).

Opposer's motion to compel was filed July 7, 2019 while the motion to amend was pending. A motion to compel discovery before the Board must be supported by a written statement from the moving party, or attorney, that it has made a good faith effort to resolve the dispute with the other party on the issues presented, and has been unable to resolve the dispute. Trademark Rule 2.120(e). *See Amazon Tech., Inc. v. Wax*, 93 USPQ2d 1702, 1705 (TTAB 2009). Opposer's motion does not contain this statement. While it is apparent from the motion that Opposer sent Applicant a deficiency letter regarding Applicant's responses to Opposer's First Request for

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Production, Opposer states Applicant responded to that letter with a supplemental response that Opposer deems “was inadequate as well.” However, Opposer does not indicate that any attempt was made to resolve the dispute in light of the supplemental responses. Accordingly, Opposer’s motion to compel is **denied without prejudice**.

The motion for leave to amend Applicant’s answer will be decided in due course.

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