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

Proceeding	91242576
Party	Plaintiff FremantleMedia North America, Inc.
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Submission	Motion for Discovery Sanctions
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Date	11/20/2019
Attachments	2019.11.20_FMNA's Motion for Sanctions re IDOLCON.pdf(72878 bytes)

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

In re Serial No. 87/430,286 and 87/430,348

FremantleMedia North America, Inc.,

Opposer,

v.

CJ E&M Corporation,

Applicant.

Opposition Nos. 91242576 and 91242577

OPPOSER’S MOTION FOR SANCTIONS

Opposer FremantleMedia North America, Inc. (“Opposer”) hereby moves for sanctions in the nature of a default judgment against Applicant CJ E&M Corporation (“Applicant”) pursuant to Trademark Rule 2.120(h) for Applicant’s failure to comply with the Board’s Order in this proceeding. On May 30, 2019, Opposer moved to compel Applicant to produce complete responses to Opposer’s First Set of Interrogatories (the “Interrogatories”), and responses and documents responsive to Opposer’s First Set of Requests for the Production of Documents and Things (the “Requests for Production,” and together with the Interrogatories, the “Discovery Requests”) [Dkt. No. 9].

On August 29, 2019, the Board issued an Order compelling Applicant to respond to the Discovery Requests by September 28, 2019 [Dkt. No. 11]. To date, no responses nor any other communication from Applicant or its counsel has been received.

As demonstrated in Opposer’s Motion to Compel, Opposer’s counsel made a good faith effort pursuant to 37 C.F.R. § 2.120(e) and TBMP § 523.02 to confer with Applicant’s counsel regarding Applicant’s failure to sufficiently respond to Opposer’s Discovery Requests prior to filing the Motion to Compel. To date, Opposer has received no further response from Applicant or its counsel, thus demonstrating that Applicant has no interest in litigating this proceeding, and necessitating the instant Motion.

Accordingly, Opposer respectfully seeks an order entering default judgment against the Applicant in Opposition Nos. 91242576 and 91242577. Opposer also requests that the Board suspend the instant proceeding pending disposition of the instant Motion pursuant to 37 C.F.R. § 2.120(f)(2) and TBMP § 510.

Dated: November 20, 2019

HOLMES WEINBERG, PC

By /s/ Michael J. Salvatore

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Attorneys for FremantleMedia North America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S MOTION FOR SANCTIONS** has been served on Applicant's counsel by emailing a copy on November 20, 2019 to:

BORIS UMANSKY
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/s/ Michael J. Salvatore _____
Michael J. Salvatore