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Filing date: **04/27/2023**

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

Proceeding no.	91276027
Party	Plaintiff Motus, LLC
Correspondence address	SUZANN MOSKOWITZ THE MOSKOWITZ FIRM LLC 24870 FAIRMOUNT BLVD BEACHWOOD, OH 44122 UNITED STATES Primary email: suzann@themoskowitzfirm.com Secondary email(s): admin@themoskowitzfirm.com 216-339-1111
Submission	Motion for Sanctions (Other)
Filer's name	Suzann R. Moskowitz
Filer's email	suzann@themoskowitzfirm.com , admin@themoskowitzfirm.com
Signature	/Suzann R. Moskowitz/
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**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MOTUS, LLC.,)	
)	
Opposer,)	Opposition No. 91276027
)	
v.)	
)	
LUXURY AUTOMOTIVE)	
TRANSPORTATION SERVICES, LLC)	
)	
Applicant.)	

OPPOSER’S MOTION FOR SANCTIONS

Under the authority of FED CIV. R. P. 37, TBMP § 411.05, and 37 C.F.R. § 2.120, Opposer Motus, LLC respectfully requests that the Board sanction Applicant Luxury Automotive Transportation Services, LLC (“LATS”) for failure to comply with the Board’s March 14, 2023 Order to provide responses to Opposer’s discovery requests.

Opposer served its written discovery requests on Applicant’s counsel on December 5, 2022. Applicant never responded to those requests, despite Opposer’s good faith efforts to receive them. On February 11, 2023, Opposer filed its motion to compel Applicant to serve its discovery responses. Applicant did not file a response to that motion, and on March 14, 2023, the Board ordered Applicant “to serve, within twenty days . . . responses to Opposer’s interrogatories and produce documents responsive to Opposer’s [requests for production].” BOARD ORDER OF MARCH 14, 2023 p. 2.

Applicant did serve any responses or documents on Opposer by the Board’s April 3, 2023 deadline. Opposer made additional good faith efforts to request the documents by e-mailing Applicant’s counsel, but Applicant still has failed to produce any responses or documents as of the date of this filing.

Given Applicant's continued failure to participate in any portion of this proceeding, pursuant to TBMP § 411.0 and FED. R. CIV. P. 37, Opposer requests that judgment be rendered in favor of Opposer and Applicant's application be refused. In the alternative, Opposer requests that the Board refuse to allow Applicant to oppose Opposer's claims and to draw adverse inferences against Applicant for each and every response to Opposer's unanswered interrogatories and each document that should have been produced in response to Opposer's requests for production.

Opposer has made every attempt to convince Applicant to participate in this proceeding and to comply with its discovery obligations. It is now clear that Applicant has no intention in participating in this action. Opposer has been prejudiced by Applicant's failure to participate in this proceeding, including Applicant's failure to respond to any of Opposer's discovery requests. Opposer's requests herein are made in good faith and in an attempt to promote judicial economy by entering judgment against Applicant and not requiring Opposer to prepare and submit a brief in which it is clear will not be opposed.

Respectfully submitted,

/s/ Suzann R. Moskowitz
Suzann Moskowitz
The Moskowitz Firm
24870 Fairmount Blvd.
Beachwood, OH 44122
suzann@themoskowitzfirm.com
Tel: 216-339-1111
Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, I caused a true and correct copy of the foregoing to be served via email, upon Karen Kline, at kckline@duanemorris.com.

/s/ Suzann R. Moskowitz