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

am/RSC

January 17, 2024

Opposition No. 91284465

Strands Hair Care, Inc.

v.

Straand Pty Ltd

Rebecca Stempien Coyle, Interlocutory Attorney:

On November 14, 2023, the Board denied without prejudice Opposer's August 22, 2023 motion to compel. On January 11, 2024, Opposer filed a renewed motion to compel and for sanctions.

As an initial matter, sanctions pursuant to 37 C.F.R. § 2.120(h)(1) are available when a party fails to comply with a Board order relating to disclosure or discovery. Inasmuch as Opposer's earlier motion to compel was denied, there is no earlier Board order relating to disclosure or discovery. Accordingly, Opposer's motion for sanctions pursuant to 37 C.F.R. § 2.120(h)(1) will receive **no consideration**.

Turning to the motion to compel, pursuant to 37 C.F.R. § 2.120(f)(1), the motion must "include a copy of the interrogatory with any answer or objection that was made; or a copy of the request for production, any proffer of production or objection to production in response to the request, and a list and brief description of the

documents, electronically stored information, or tangible things that were not produced for inspection and copying". *See also* TBMP § 523.02. Here, Opposer's motion does not include copies of the discovery requests at issue or Respondent's responses thereto. While Opposer seeks to "incorporate" its earlier motion and reply, this motion was already disposed of by the Board's November 11, 2023 order.

The Board will allow Opposer **TEN DAYS** from the date of this order to file the discovery requests and Applicant's responses thereto that are at issue in Opposer's January 11, 2024 motion, failing which the motion will receive no further consideration.[1] Applicant's time to respond to Opposer's motion to compel shall run from the date of Opposer's compliance with this order.

Proceedings are otherwise **suspended** pending disposition of Opposer's motion, except as discussed below. The parties should not file any paper that is not germane to the motion to compel. *See* Trademark Rule 2.120(f)(2).

The parties may not serve any additional discovery until the period of suspension is lifted or expires by or under order of the Board. The filing of the motion to compel disclosure or discovery shall not toll the time for a party to comply with any initial disclosure requirement, or to respond to any outstanding discovery requests or to appear for any noticed discovery deposition. If the motion to compel was filed after the close of discovery, the parties need not make pretrial disclosures until directed to do so by the Board. *See* Trademark Rule 2.120(f)(2); TBMP § 523.01.

The motion to compel will be decided in due course.

[1] Opposer may also withdraw its January 11, 2024 motion and refile a complete motion.