

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

mt

Mailed: July 21, 2015

Cancellation No. 92060457

Old Row, LLC

v.

The Southern Shirt Company, LLC

**Robert H. Coggins,
Interlocutory Attorney:**

Motion to Compel

Petitioner's motion to compel (filed May 14, 2015) is granted as conceded to the extent modified herein. Trademark Rules 2.120(e) and 2.127(a). Respondent is allowed until thirty days from the mailing date of this order to serve upon Petitioner responses to the outstanding interrogatories and document requests without objection on the merits.¹ In the event Respondent fails to comply with this order, Petitioner's remedy may lie in a motion for sanctions, as appropriate. *See* Trademark Rule 2.120(g)(1); TBMP § 411.05 (2015).

Schedule

Proceedings are resumed. Date are reset on the following schedule:

¹ The Board has previously distinguished objections on the merits of a discovery request from other types of objections such as confidentiality or privilege. *See Amazon Technologies Inc. v. Wax*, 93 USPQ2d 1702, 1706 n.5 (TTAB 2009), *citing No Fear Inc. v. Rule*, 54 USPQ2d 1551, 1554 (TTAB 2000).

Compelled Discovery Due	30 days
Expert Disclosures Due	9/23/2015
Discovery Closes	10/23/2015
Plaintiff's Pretrial Disclosures	12/7/2015
Plaintiff's 30-day Trial Period Ends	1/21/2016
Defendant's Pretrial Disclosures	2/5/2016
Defendant's 30-day Trial Period Ends	3/21/2016
Plaintiff's Rebuttal Disclosures	4/5/2016
Plaintiff's 15-day Rebuttal Period Ends	5/5/2016

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