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

Proceeding	92068467
Party	Plaintiff U.G.A. Nutraceuticals SRL
Correspondence Address	DANIEL S TYLER AMIN TALATI UPADHYE LLP 100 S WACKER DRIVE SUITE 2000 CHICAGO, IL 60606 UNITED STATES trademark@amintalati.com, daniel@amintalati.com, jen- nifer.colkitt@amintalati.com 312-784-1061
Submission	Opposition/Response to Motion
Filer's Name	Daniel S. Tyler
Filer's email	daniel@amintalati.com
Signature	/s/ Daniel S. Tyler
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

U.G.A. NUTRACEUTICALS, SRL,

Petitioner,

v.

MAPLE MOUNTAIN GROUP, INC.,
f/k/a NEWAYS, INC.

Registrant.

Proceeding No.: 9206847

Mark: CARDIOL

Registration No.: 2,693,218

PETITIONER'S RESPONSE TO REGISTRANT'S MOTION TO COMPEL

U.G.A. Nutraceuticals, SRL ("Petitioner") hereby submits the following in response to Registrant's Motion to Compel.

The mark sought to be canceled in this action is owned by Registrant. The cancellation proceeding is based upon Registrant's abandonment of the "CARDIOL" mark in U.S. commerce. Registrant has attached to its motion copies of document requests and interrogatories that have virtually no bearing on the central question in this proceeding: whether Registrant has ceased use of the mark in question and therefore abandoned its rights. Registrant has also ignored the delays caused by its own deflections in discovery; namely, its refusal to answer discovery requests made by Petitioner other than blanket objections based on improper calculations of numbers of requests.¹ Nevertheless, Petitioner will consent to a compel order, as it will have its responses to discovery requests served prior to the adjudication of the instant motion. Despite dealing with the difficulties of an overseas party and miscommunication amongst opposing counsel, Petitioner

¹ In an effort to avoid Board intervention, following several meet and confer conferences with counsel for Registrant, Petitioner resubmitted Amended Requests to Registrant on August 12, 2019 to alleviate their objections based on questionable calculations of issued requests.

expects the instant motion to be moot in short order. Additionally, Petitioner consents to the schedule reset proposed by Registrant.

For the foregoing reasons, Petitioner respectfully requests that Registrant's Motion be allowed, in limited part. As Petitioner has yet to lodge its objections to the merits of Registrant's requests, the request to deem objections waived should be denied. Adjudication of potential waiver of objections, to the extent they will be lodged, is premature.

September 4, 2019

Respectfully submitted,

/s/ Daniel S. Tyler
DANIEL S. TYLER
AMIN TALATI WASSERMAN, LLP
100 S. WACKER DRIVE, SUITE 2000
CHICAGO, IL 60606
Telephone: 312-784-1061
daniel@amintalati.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2019, a true and correct copy of the foregoing was served by via electronic mail on all counsel or parties of record on the Service List below:

John C. Stringham
WORKMAN NYDEGGER
60 East South Temple, Suite 1000
Salt Lake City, UT 84111
jstringham@wnlaw.com

/s/ Daniel S. Tyler