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

Proceeding no.	92077557
Party	Plaintiff DISH Network LLC
Correspondence address	KATE BOHMANN ADSERO IP 8210 SOUTHPARK TERRACE LITTLETON, CO 80120 UNITED STATES Primary email: efs@adseroip.com Secondary email(s): kbohmann@adseroip.com, ian@adseroip.com, TDamhoff@Adseroip.com, ameyer@adseroip.com 303-268-0066
Submission	Motion to Compel Discovery or Disclosure
Filer's name	Kathryn L. Bohmann
Filer's email	efs@adseroip.com
Signature	/klb/
Date	03/18/2022
Attachments	Motion to Compel Initial Disclosures.pdf(237450 bytes)

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

In re Registration No. 5706741
Mark: ONSTREAMING

DISH Network L.L.C.)	
)	
Petitioner,)	Cancellation No. 92077557
)	
v.)	
)	
Onstreaming LLC)	
)	
Registrant.)	

**PETITIONER DISH NETWORK L.L.C.’S MOTION TO COMPEL INITIAL
DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(1) and 26(f), 37 C.F.R. § 2.120(f), and TBMP § 401.02, Petitioner DISH Network L.L.C. (“DISH”) respectfully moves the Board for an order compelling Registrant Onstreaming LLC (“Onstreaming”) to provide complete initial disclosures to DISH by April 4, 2022, and in support thereof states as follows:

1. DISH filed the present cancellation on July 9, 2021 (the “Petition”). 1 TTABVUE.
2. On August 29, 2021, the Board issued a notice of default and show cause order to Registrant based on Registrant’s failure to timely answer the Petition. 2 TTABVUE.
3. On September 17, 2021, Registrant filed a response to the Board’s show cause order and on September 20, 2021, filed an answer to the Petition. 5-6 TTABVUE.

4. On October 18, 2021, the Board set aside default and reset all case deadlines. 7 TTABVUE.
5. On November 18, 2021, the Parties conducted the Rule 26(f) conference.
6. On November 18, 2021, DISH served its initial disclosures and first set of discovery request on counsel for Onstreaming.
7. Pursuant to the Board's October 18, 2021 Order, the initial disclosure deadline was December 17, 2021. 2 TTABVUE.
8. Onstreaming did not serve its initial disclosures by the deadline.
9. On January 14, 2022, counsel for DISH sent an email to counsel for Onstreaming stating that Onstreaming's initial disclosures were delinquent, but that DISH preferred to resolve the matter amicably, and thus, proposed a 60-day suspension for settlement negotiations.
10. On January 18, 2022, the Parties moved to suspend the proceeding for 60 days for settlement negotiations, which the Board granted that same day. 8-9 TTABVUE.
11. To-date, the Parties have not reached a settlement agreement.
12. On March 16, 2022, counsel for DISH sent counsel for Onstreaming a second email stating that Onstreaming's initial disclosure are delinquent, and that DISH intended to file the present Motion by the March 18, 2022 deadline, unless Onstreaming timely served its initial disclosures. A copy of March 16, 2022 email is attached as Exhibit A.
13. Onstreaming did not serve its initial disclosures or respond to DISH's March 16, 2022 email.
14. The proceedings are set to resume on March 20, 2022.

15. To-date, Onstreaming LLC has failed to serve initial disclosures, has not stated a reason why it has not served initial disclosures, nor has it stated a time frame within which it will serve initial disclosures.

Accordingly, DISH respectfully moves for an order compelling Onstreaming to serve initial disclosures by April 4, 2022.

Date: March 18, 2022

Respectfully submitted,
Adsero IP

s /KLB

Kathryn L. Bohmann
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Attorneys for Petitioner
DISH Network L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2022, a true and correct copy of the foregoing **PETITIONER DISH NETWORK L.L.C.'S MOTION TO COMPEL INITIAL DISCLOSURES** was served by E-mail on all counsel or parties of record on the service list below:

/Alla Meyer

SERVICE LIST

Attorneys for Registrant

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EXHIBIT A

From: Kate Bohmann
Sent: Wednesday, March 16, 2022 4:00 PM
To: Michael Cohen
Cc: Ian Saffer; Mario Goluza; Krystal Farias
Subject: FW: FW: Dish v. Onstreaming: Cancellation No. 92077557

Hi Michael,

Onstreaming's initial disclosure were due on December 17, 2021. To date, we have not received them. As you know, DISH's deadline to file a Motion to Compel Onstreaming's Initial Disclosures is this **Friday, March 18th**. Accordingly, if we do not receive Onstreaming's Initial Disclosures prior to the deadline, DISH will file a motion to compel.

Best,
Kate

Kate Bohmann
Partner

Adsero IP

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