

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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TAB

November 30, 2023

Cancellation No. 92079337

*Mija Clean, LLC*

*v.*

*Mija, LLC and Mija LLC*

**Tashia A. Bunch, Interlocutory Attorney:**

On September 28, 2023, Petitioner filed a motion to compel discovery responses to Petitioner's second set of interrogatories and requests for production. 17 TTABVUE.

"A motion to compel discovery shall 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." Trademark Rule 2.120(f)(1), 37 C.F.R. § 2.120(f)(1).

While failed to include a copy of the actual served discovery requests with the motion. In view of the failure to include copies of the discovery requests, Petitioner's

motion to compel is **denied without prejudice** to its ability to file a renewed motion that provides the Board with copies of the disputed discovery requests.<sup>1</sup>

The motion to compel will be given no further consideration. Dates are reset as follows:

|   |           |
|---|-----------|
| Plaintiff's Pretrial Disclosures Due    | 12/8/2023 |
| Plaintiff's 30-day Trial Period Ends    | 1/22/2024 |
| Defendant's Pretrial Disclosures Due    | 2/6/2024  |
| Defendant's 30-day Trial Period Ends    | 3/22/2024 |
| Plaintiff's Rebuttal Disclosures Due    | 4/6/2024  |
| Plaintiff's 15-day Rebuttal Period Ends | 5/6/2024  |
| Plaintiff's Opening Brief Due           | 7/5/2024  |
| Defendant's Brief Due                   | 8/4/2024  |
| Plaintiff's Reply Brief Due             | 8/19/2024 |
| Request for Oral Hearing (optional) Due | 8/29/2024 |

### **IMPORTANT TRIAL AND BRIEFING INSTRUCTIONS**

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for

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<sup>1</sup> The Board notes that Petitioner indicates the discovery requests were served on August 17, 2023, which is the day discovery was set to close. The Board notes that, discovery requests “must be served early enough in the discovery period ... so that responses will be due no later than the close of discovery.” Trademark Rule 2.120(a)(3). Petitioner should consider whether its discovery requests were timely when determining whether to renew the motion to compel.

submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence.

Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Such briefs should utilize citations to the TTABVUE record created during trial, to facilitate the Board's review of the evidence at final hearing. See TBMP § 801.03. Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).