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

Proceeding	91204328
Party	Plaintiff Right Connection, Inc.
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Submission	Opposition/Response to Motion
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Attachments	Oct 18 12 Right Connection Opposition Motion Compel.pdf ( 4 pages )(14849 bytes ) EXHIBIT 1.pdf ( 28 pages )(293142 bytes )

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

Right Connection, Inc.

Opposer,

v.

DPP Enterprises, Inc.,

Applicant.

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And Related Counterclaim

**Opposition No. 91/204328**

Application Serial No. 85/367057

**OPPOSER’S OPPOSITION TO  
APPLICANT’S MOTION TO COMPEL  
OPPOSER TO PROVIDE ANSWERS TO  
APPLICANT’S FIRST SET OF  
INTERROGATORIES & DOCUMENTS IN  
RESPONSE TO APPLICANT’S FIRST SET  
OF REQUESTS FOR PRODUCTION**

**[ELECTRONICALLY FILED]**

Opposer Right Connection, Inc. (“Opposer”) submits this memorandum in opposition to Applicant’s Motion to Compel Opposer to Provide Answers to Applicant’s First Set of Interrogatories and Documents in Response to Applicant’s First Set of Requests for Production (the “Motion to Compel”).

Opposer regrets that the Board has had to be burdened with the Motion to Compel. As reflected in Applicant’s moving papers and the exhibits attached to the Motion to Compel, Opposer’s counsel made it clear to Applicant’s counsel that Opposer intended to file a civil action for trademark infringement in federal district court (which would raise the same issues as this proceeding) and then seek suspension of this action pursuant to Trademark Rule 2.117(a) and TBMP section 510.02(a).

It obviously makes no sense to conduct discovery in this matter when this matter will be suspended pending the outcome of the district court action. Counsel for Opposer tried to explain this notion to Applicant’s counsel but they forged ahead with written discovery anyway, thereby

forcing Opposer to provide written objections reiterating that discovery in this case is unduly burdensome, oppressive and harassing because this matter will be suspended pending the outcome of the district court action. Then, to make matters worse, Applicant and its counsel filed the present Motion to Compel.

As promised, Opposer has in fact filed an action for trademark infringement, unfair competition and declaratory relief in the United States District Court for the Southern District of California (the “District Court Action”). The District Court Action raises the same issues as this proceeding so suspension of this proceeding is warranted and appropriate pursuant to Trademark Rule 2.117(a) and TBMP section 510.02(a).

Submitted herewith as Exhibit 1 is the motion to suspend (the “Motion to Suspend”) filed by Opposer by which Opposer seeks suspension of this matter pursuant to Trademark Rule 2.117(a) and TBMP section 510.02(a) based upon the filing of the District Court Action. The complaint in the District Court Action is Exhibit A to the Motion to Suspend.

Opposer respectfully submits that the Board should defer consideration and decision of the present Motion to Compel until after a decision on the Motion to Suspend. If, as we believe is likely, the Motion to Suspend is granted, this entire proceeding will be suspended until the District Court Action is resolved, thereby rendering this Motion to Compel moot.

If, on the other hand, the Motion to Suspend is denied for some unforeseeable reason, the Board then can consider and decide this Motion to Compel. Indeed, as counsel for Opposer already has told counsel for Applicant, Opposer would provide the discovery sought by the subject discovery requests if this matter is not suspended for some reason and instead goes forward.

But we are not at that point yet. First, a decision on the Motion to Suspend must be rendered. Until such time, the discovery that Applicant seeks to compel by this Motion to Compel

is unduly burdensome, oppressive and harassing as set forth in Opposer's written objections to Applicant's discovery requests.

The Affinity Law Group APC

Dated: October 18, 2012

By: /Gregory P. Goonan/

Gregory P. Goonan

The Affinity Law Group APC

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Attorneys for Opposer and  
Counterclaim Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing “*OPPOSER’S OPPOSITION TO APPLICANT’S MOTION TO COMPEL OPPOSER TO PROVIDE ANSWERS TO APPLICANT’S FIRST SET OF INTERROGATORIES & DOCUMENTS IN RESPONSE TO APPLICANT’S FIRST SET OF REQUESTS FOR PRODUCTION*” was served via electronic mail pursuant to agreement of counsel on Philip Matthews (counsel for Applicant), Webb IP Law Group PLLC, 1204 W. South Jordan Parkway, Ste. B2, South Jordan, UT 84095 this 18<sup>th</sup> day of October 2012.

/Gregory P. Goonan/  
Gregory P. Goonan

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