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

Proceeding	92064239
Party	Plaintiff ThetaHost Solutions LLC
Correspondence Address	TOBIAS L JOHNSON THETAHOST SOLUTIONS LLC PO BOX 534 BLOOMINGTON, IN 47401 UNITED STATES Email: toby@thetahost.com
Submission	Motion to Compel Discovery or Disclosure
Filer's Name	Tobias L Johnson
Filer's email	toby@thetahost.com
Signature	/Tobias L Johnson/
Date	09/29/2017
Attachments	MotionToCompel-Finishr-2.pdf(154549 bytes)

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

THETAHOST SOLUTIONS, LLC,

Petitioner,

v.

CANCELLATION NO. 92064239

JUDY MOLNAR WILSON,

Registration No. 4682834

Registrant.
_____ /

PETITIONER'S MOTION TO COMPEL DISCOVERY

Petitioner, THETAHOST SOLUTIONS LLC, moves, pursuant to TBMP § 523 and 411.02, to compel Registrant, Judy Molnar Wilson, to comply with her discovery obligations. In support of this Motion, Petitioner states as follows:

FACTUAL BACKGROUND

On July 25, 2017, Petitioner served its Interrogatories on Registrant's attorney. Per agreement made during discovery conference, Interrogatories were served via email. Interrogatories are attached as Exhibit A to this Motion.

Petitioner has not received responses to these Interrogatories, despite good faith efforts to contact Registrant's attorney via email and phone. Neither Registrant nor Registrant's attorney have attempted to further contact Petitioner, nor offered an explanation for Registrant's failure to meet Registrant's discovery obligations.

ARGUMENT

Petitioner cannot reasonably prepare for trial until Registrant has complied with her discovery obligations. Registrant has repeatedly ignored Petitioner's attempts to resolve these discovery disputes without requiring the Board's intervention.

REQUEST FOR RELIEF

Petitioner moves this Board for an Order compelling Registrant, within fifteen (15) days from the date of this Order, to fully and completely respond to all of Petitioner's Interrogatories dated July 25, 2017.

Petitioner moves this Board to reset the deadline for Petitioner's pretrial disclosures to allow Petitioner time to prepare for trial in light of any discovery made in response to Interrogatories.

Petitioner further moves this Board for any other relief it deems appropriate.

WHEREFORE, Petitioner respectfully requests that the Trademark Trial and Appeal Board grant its Motion to Compel and grant all other appropriate relief.

DATED: September 29th, 2017.

Respectfully Submitted,

s/Tobias L Johnson

Tobias L Johnson,

Petitioner

PO Box 534

Bloomington, IN 47401

(502) 354-3444

CERTIFICATE OF SERVICE

Per agreement between the parties made during discovery conference, service of this Motion is made via email upon the Registrant's attorney.

FRANK R JAKES

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EXHIBIT A

Petitioner's Interrogatories to Registrant,

Dated July 25, 2017.

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

THETAHOST SOLUTIONS, LLC,

Plaintiff,

v.

CANCELLATION NO. 92064239

JUDY MOLNAR WILSON,

Registration No. 4682834

Defendant.

_____ /

INTERROGATORIES TO THE DEFENDANT

INSTRUCTIONS

PLEASE TAKE NOTICE that pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff ThetaHost Solutions, LLC proposes the following Interrogatories to be answered under oath within thirty (30) days from the date of service hereof by Defendant, Judy Molnar Wilson.

In each instance where an Interrogatory is answered on information and belief, it is requested that Defendant set forth the basis for such information and belief.

In each instance where Defendant denies knowledge or information sufficient to answer the Interrogatory, it is requested that Defendant set forth the name and address of each person, if any, known to have such knowledge.

In each instance where the existence of a document is disclosed, Defendant is requested to attach a copy of such document to its answer. If such document is not in Defendant's possession or control, it is requested that Defendant state the name and address of each person known to Defendant to have such possession or control, and identify which documents are in such person's possession or control.

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