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Filing date: **10/09/2017**

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	s/Tobias L Johnson/
Date	10/09/2017
Attachments	Motion to Compel Discovery - 3 - File.pdf(293753 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.

Petitioner emailed Respondent's attorney, Mr. Frank R. Jakes of Johnson, Pope, Bokor, Ruppel & Burns, LLP, on Sep 11, 2017 (attached as Exhibit B) to request an update on the status of Respondent's replies. The email was not answered.

Petitioner called Mr. Jakes on Sep 14, 2017 and left a voicemail to request an update. The call was not returned.

Petitioner again emailed Mr. Jakes on Oct 3, 2017 (attached as Exhibit C) to request an update. Mr. Jakes emailed Petitioner on Oct 4, 2017 to discuss case management issues

regarding this Cancellation Petition. However, that discussion did not provide a reason for the delay in response to the Interrogatories; nor did it provide any indication that any answers were forthcoming. Mr. Jakes' final response to Petitioner is attached as Exhibit D.

ARGUMENT

Petitioner cannot reasonably prepare for trial until Registrant has complied with her discovery obligations. Registrant has neither fulfilled these obligations, nor offered a reason for the delay, nor offered any indication that any further replies are forthcoming.

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: October 9th, 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

JOHNSON POPE BOKOR RUPPEL & BURNS LLP

403 MADISON STREET, SUITE 400

TAMPA, FL 33602

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EXHIBIT A

Petitioner's Interrogatories to Registrant,
Dated July 25, 2017.

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