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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 4522 JEFFERSONVILLE, IN 47131 UNITED STATES toby@thetahost.com
Submission	Motion to Compel Discovery
Filer's Name	Tobias L Johnson
Filer's e-mail	toby@thetahost.com
Signature	s/TOBIAS L JOHNSON/
Date	06/07/2017
Attachments	MotionToCompelDiscovery-ThetaHost-1.pdf(92777 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 March 27, 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.

On May 16, 2017, Petitioner contacted Registrant's attorney via email and phone. The phone call went to voicemail, and Petitioner left a message inquiring about the Interrogatories, and provided Petitioner's email and phone number.

On May 22, 2017, Petitioner again contacted Registrant's attorney via phone. The call was answered by receptionist who took Petitioner's information, noted the time-sensitive nature of the issue, and informed Petitioner that she would pass the information along.

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 March 27, 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: June 7th, 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 March 27, 2017.

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