

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RSC/nmt

July 25, 2019

Cancellation No. 92070284

Illumina, Inc.

v.

*MGI Tech Co., Ltd. and BGI Genomics Co.,
Ltd.*

By the Trademark Trial and Appeal Board:

On May 20, 2019, Petitioner filed a motion for discovery sanctions in the form of entry of judgment against Respondents due to their failure to serve any responses to Petitioner's first set of interrogatories and first set of requests for production of documents, and Respondents' statement that discovery responses will not be provided.¹ Respondents' response to the motion was due June 9, 2019. Trademark Rule 2.127(a). Respondents have not responded to the motion.

In view thereof, Petitioner's motion for sanctions is **granted** as conceded. Trademark Rule 2.127(a). Pursuant to Trademark Rule 2.120(h)(2), judgment is

¹ Petitioner also requests judgment as a sanction for Respondents' failure to serve initial disclosures and their clear indication to Petitioner that the required disclosures will not be made. Inasmuch as a motion to compel initial disclosures cannot be filed, sanctions for Respondents' failure to make the required disclosures is waived. Trademark Rule 2.120(f)(1).

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entered against Respondents, the petition to cancel is granted, and Registration No. 5566277 will be cancelled in due course by the Commissioner for Trademarks.