

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: July 2, 2012

Opposition No. 91199922

Christopher A. McGrath

v.

Nike, Inc.

**George C. Pologeorgis,
Interlocutory Attorney:**

Applicant's motion (filed May 3, 2012) for a more definite statement is granted as conceded. See Trademark Rule 2.127.

In view thereof, opposer is allowed twenty days from the mailing date of this order in which to file and serve a revised amended notice of opposition which sets forth his claim of priority and likelihood of confusion, failing which the opposition will be dismissed with prejudice.¹ Opposer should not embed any evidence in support of his likelihood of confusion claim in his revised amended pleading.

Moreover, as set forth in the Board's March 28, 2012 order,

¹Pursuant to the Board's May 2, 2012 order, opposer is precluded from re-asserting a dilution claim.

the revised amended pleading must include (1) a short and plain statement of the reason(s) why opposer believe he would be damaged by the registration of the opposed mark and (2) a short and plain statement regarding the basis for opposer's likelihood of confusion claim. Further, all averments should be made in numbered paragraphs, the contents of each of which should be limited as far as practicable to a statement of a single set of circumstances. See Fed. R. Civ. P. 10(b). Each claim founded upon a separate transaction or occurrence should be stated in a separate count whenever a separation would facilitate the clear presentation of the matters pleaded. *Id.* A paragraph may be referred to by number in all succeeding paragraphs, and statements in the complaint may be adopted by reference in a different part of the complaint. See Fed. R. Civ. P. 10(b) and (c).

In turn, applicant is allowed twenty days from the date indicated on the certificate of service of opposer's revised amended pleading in which to answer or otherwise respond to the revised amended pleading.

Trial Schedule

Trial dates are reset as follows:

Deadline for Discovery	
Conference	9/12/2012
Discovery Opens	9/12/2012

Initial Disclosures Due	10/12/2012
Expert Disclosures Due	2/9/2013
Discovery Closes	3/11/2013
Plaintiff's Pretrial Disclosures Due	4/25/2013
Plaintiff's 30-day Trial Period Ends	6/9/2013
Defendant's Pretrial Disclosures Due	6/24/2013
Defendant's 30-day Trial Period Ends	8/8/2013
Plaintiff's Rebuttal Disclosures Due	8/23/2013
Plaintiff's 15-day Rebuttal Period Ends	9/22/2013

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.