

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: April 29, 2014

Opposition No. 91212553

Whole Foods Market IP, L.P.

v.

365 Laboratories, LLC

Amy Matelski, Paralegal Specialist:

It has come to the Board's attention that the trial schedule set forth in applicant's electronically generated April 15, 2014 motion, did not take into consideration the initial disclosure deadline. Applicant's attention is directed to the statement on the ESTTA website, which informs the parties that they should not use the consent motions forms if the proceeding was instituted on or after November 1, 2007. Instead the parties should file its motions to extend or suspend utilizing the general filings tab.

In view thereof, the Board's order of April 15, 2014 is hereby vacated.

In further view thereof, disclosures, discovery and trial dates are reset as follows:

Initial Disclosures Due	7/24/2014
Expert Disclosures Due	11/21/2014
Discovery Closes	12/21/2014
Plaintiff's Pretrial Disclosures	2/4/2015
Plaintiff's 30-day Trial Period Ends	3/21/2015
Defendant's Pretrial Disclosures	4/5/2015
Defendant's 30-day Trial Period Ends	5/20/2015

Plaintiff's Rebuttal Disclosures
Plaintiff's 15-day Rebuttal Period Ends

6/4/2015
7/4/2015

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.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.¹

¹ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.