

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

BUO

Mailed: February 2, 2014

Opposition No. 91213005

Universal Protein Supplements
Corporation

v.

N.V.E., Inc.

Benjamin U. Okeke, Interlocutory Attorney:

Opposer's motion to strike applicant's affirmative defenses, filed November 27, 2013, is **GRANTED** as conceded, because applicant failed to respond thereto.¹ Trademark Rule 2.127(a); *Central Mfg., Inc. v. Third Millennium Tech., Inc.*, 61 USPQ2d 1210 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int'l, Inc.*, 53 USPQ2d 1053 (TTAB 1999).

¹ We note, however, that the result would have been the same had the Board considered opposer's motion on the merits. Applicant's assertions in paragraphs 1-4 and 7-10 are merely amplifications of its denials to opposer's Section 2(d) claim. *Ohio State Univ. v. Ohio Univ.*, 51 USPQ2d 1289, 1292 (TTAB 1999). The remaining paragraphs fail to allege sufficient facts to place opposer on notice of the defenses being asserted against it. See *IdeasOne Inc. v. Nationwide Better Health Inc.*, 89 USPQ2d 1952, 1953 (TTAB 2009); *Ohio State Univ.*, 51 USPQ2d at 1292 (primary purpose of pleadings "is to give fair notice of the claims or defenses asserted").

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Conferencing, disclosure, discovery and trial dates
are reset as follows:

Deadline for Discovery Conference	2/20/2014
Discovery Opens	2/20/2014
Initial Disclosures Due	3/22/2014
Expert Disclosures Due	7/20/2014
Discovery Closes	8/19/2014
Plaintiff's Pretrial Disclosures	10/3/2014
Plaintiff's 30-day Trial Period Ends	11/17/2014
Defendant's Pretrial Disclosures	12/2/2014
Defendant's 30-day Trial Period Ends	1/16/2015
Plaintiff's Rebuttal Disclosures	1/31/2015
Plaintiff's 15-day Rebuttal Period Ends	3/2/2015

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.