

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: October 15, 2014

Opposition No. 91214091
(**Parent Case**)
Opposition No. 91214147

Villanueva Holding Company LLC

v.

*David Reynoso Urzua A/K/A David
Reynoso*

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

These consolidated proceedings now comes before the Board for consideration of Applicant's renewed motion (filed April 15, 2014) for leave to amend his pleading to assert a counterclaim against Opposer's pleaded Registration No. 4495282 on the following grounds: (1) Opposer is not the owner of its pleaded mark, (2) Opposer has not used the mark in commerce at the time it filed its underlying application or at the time it filed its Statement of Use, (3) fraud, and (4) mere descriptiveness under Section 2(e)(1) of the Trademark Act.

Applicant's renewed motion to amend his pleading is **GRANTED** as conceded. Trademark Rule 2.127(a). The Board notes that Applicant filed his proposed counterclaim with his renewed motion to amend the pleadings.

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Accordingly, Applicant's counterclaim is now part of Applicant's operative pleading.

In view thereof, Opposer is allowed the time set forth below in which to file an answer or otherwise respond to Applicant's counterclaim filed on April 15, 2014.

Trial Schedule

Trial dates for this consolidated case are reset as follows:

Answer to Counterclaim Due	November 4, 2014
Deadline for Discovery Conference	December 4, 2014
Discovery Opens	December 4, 2014
Initial Disclosures Due	January 3, 2015
Expert Disclosures Due	May 3, 2015
Discovery Closes	June 2, 2015
Plaintiff's Pretrial Disclosures	July 17, 2015
30-day testimony period for plaintiff's testimony to close	August 31, 2015
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	September 15, 2015
30-day testimony period for defendant and plaintiff in the counterclaim to close	October 30, 2015
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	November 14, 2015
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	December 29, 2015

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Counterclaim Plaintiff's Rebuttal Disclosures Due	January 13, 2016
15-day rebuttal period for plaintiff in the counterclaim to close	February 12, 2016
Brief for plaintiff due	April 12, 2016
Brief for defendant and plaintiff in the counterclaim due	May 12, 2016
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	June 11, 2016
Reply brief, if any, for plaintiff in the counterclaim due	June 26, 2016

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