

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: February 15, 2015

Opposition No. 91217273

*Monster Energy Company*

v.

*Three Notch'd Brewing Company, LLC*

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

Pursuant to Board procedure, Opposer filed a notification on February 13, 2015 advising the Board that it has retained an expert whom it may use at trial to present evidence and has served the required expert disclosure upon Applicant pursuant to Fed. R. Civ. P. 26(a)(2).

Inasmuch as Opposer has now advised the Board of its intention of using an expert witness, proceedings herein are **suspended** for **sixty (60) days** for the sole purpose of affording Applicant the opportunity to take discovery limited to Opposer's designated expert witness. Moreover, if Applicant retains an expert for rebuttal purposes only, Applicant must serve a rebuttal expert disclosure upon Opposer in accordance with Fed. R. Civ. P. 26(a)(2)(D)(ii), as well as notify the Board of their intention of using a rebuttal expert witness, within the same sixty-day time period set forth above. In the event Applicant does retain a rebuttal expert witness, Opposer will be entitled to take limited discovery of

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Applicant's rebuttal expert witness within the same sixty days provided above. To the extent either party requires an extension of the suspension period to complete the discovery permitted above, such party may file a motion to extend the suspension period.

If all discovery regarding designated expert witnesses is completed prior to the conclusion of the sixty-day suspension, the parties must notify the Board so that the Board may reset the remaining time in discovery, as well as reset all subsequent trial dates. Otherwise, proceedings herein will resume at the conclusion of the sixty-day suspension period and all appropriate trial dates, including remaining discovery, will be reset.<sup>1</sup>

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<sup>1</sup> By this order, the Board assumes that Opposer has complied with all the requirements concerning an expert witness disclosure under Fed. R. Civ. P. 26(a)(2), including service of an expert witness report, concurrently with its expert witness disclosure, upon Applicant.