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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222878
Party	Plaintiff Wonderful Citrus LLC f/k/a Paramount Citrus LLC
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Date	09/21/2016
Attachments	Stip Evid.pdf(34988 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

WONDERFUL CITRUS LLC f/k/a
PARAMOUNT CITRUS LLC,

Opposer,

v.

QUALITY FRESH FARMS, INC.,

Applicant.

Opposition No. 91222878

Application Serial No. 86/375,060

Mark: Q + Design



STIPULATIONS FOR INTRODUCTION OF EVIDENCE AT TRIAL

Pursuant to Trademark Rules of Practice 2.122 and 2.123(b) and T.B.M.P. §§ 704.11 and 705, the parties, through their undersigned counsel, stipulate as follows:

- (1) The trial schedule in this matter shall be amended as follows:

Period	Days after Order Accepting this Stipulation
Plaintiff's 30-day Trial Period Ends	45
Defendant's Pretrial Disclosures	60
Defendant's 30-day Trial Period Ends	105
Plaintiff's Rebuttal Disclosures	120
Plaintiff's 15-day Rebuttal Period Ends	150

(2) Documents produced by a party in responses to requests for production of documents or interrogatories shall be deemed authentic business records. Objections to the admissibility of such documents on grounds of authenticity or genuineness are waived. All other objections are preserved.

(3) During the parties' respective trial periods, the testimony of witnesses may be introduced by sworn declaration, with exhibits attached thereto, in lieu of testimonial depositions, provided the following procedure is followed:

- (a) The party that wishes to introduce testimony of a witness by sworn declaration must serve a draft declaration on opposing counsel via email no later than twenty (20) days before the party's trial period ends. If the draft declaration is sent by e-mail without accompanying exhibits, a copy of the draft declaration with exhibits must be sent by overnight courier service (e.g., FedEx) to opposing counsel.
- (b) Opposing counsel shall have ten (10) days upon receipt of the draft declaration in which to send, via e-mail, a list of written questions to be asked of the declarant identified in the draft declaration. The list of questions may include exhibits for the declarant to address.
- (c) The party receiving the list of written questions and exhibits shall have seven (7) days in which to either:
 - (1) present the list of questions and exhibits to the Declarant and then provide an updated draft declaration to opposing counsel that includes the declarant's answers to the questions and attaches the exhibits; or
 - (2) inform opposing counsel that the draft questions and exhibits will not be submitted to the declarant and that it will be necessary to conduct a testimony deposition in accordance with the Rules.
- (d) Within seven (7) days of receipt of an updated draft declaration, the party receiving the updated draft declaration shall either:
 - (1) confirm that the updated draft declaration may be submitted as evidence; or
 - (2) inform opposing counsel that the update draft declaration is not acceptable, and that it will be necessary to conduct a testimony deposition in accordance with the Rules.
- (e) In the event that it becomes necessary to conduct a testimony deposition in accordance with the Rules, the parties shall stipulate to an appropriate extension of the trial schedule to permit the testimony deposition to be taken, and the updated draft declaration shall not be submitted as evidence.

(4) If plaintiff wishes to introduce testimony during the plaintiff's 15-day rebuttal period, the parties shall meet and confer to determine whether such testimony can be submitted by declaration. In the event that the parties cannot agree upon the content of a declaration, a testimony deposition shall be scheduled in accordance with the Rules.

By Agreement of the Following, effective as of the date of an Order of the Board Accepting this Stipulation:

/s/ Michael Vasseghi /s/
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CERTIFICATE OF SERVICE

I, Susan Bryant , hereby certify that a copy of this **STIPULATIONS FOR**

INTRODUCTION OF EVIDENCE AT TRIAL has been served upon attorney for Applicant:

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by first class mail, postage prepaid, on this 21st day of September, 2016.

_____/s/ Susan Bryant /s/_____
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