

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 20, 2015

Opposition No. 91222903

Franciscan Vineyards, Inc.

v.

Davis Estates, LLC

Ellen Yowell, Paralegal Specialist:

On September 30, 2015, Applicant filed its answer to the notice of opposition. On October 15, 2015, Applicant filed an amended answer and a counterclaim to cancel Opposer's pleaded Registration Nos. 2888963 and 3134833 with respect to the goods in International Class 33. Applicant submitted the required fee.

An answer may be amended once as a matter of course at any time within 21 days after it was served. *See* TBMP § 507.02 and Fed. R. Civ. P. 15(a)(1)(A).

In view thereof, Applicant's amended answer and a counterclaim is accepted as Applicant's operative pleading in this proceeding.

Opposer and counterclaim defendant, Franciscan Vineyards, Inc., is allowed until thirty days from the mailing date of this order to file an answer to the counterclaim. *See* Trademark Rule 2.106(b)(2)(iii).

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery, and testimony periods are reset as indicated below. *See* Trademark Rule 2.121(b)(2).

Answer to Counterclaim Due	11/19/2015
Deadline for Discovery Conference	12/19/2015
Discovery Opens	12/19/2015
Initial Disclosures Due	1/18/2016
Expert Disclosures Due	5/17/2016
Discovery Closes	6/16/2016
Plaintiff's Pretrial Disclosures	7/31/2016
30-day Testimony Period for Plaintiff to Close	9/14/2016
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	9/29/2016
30-day Testimony Period for Defendant and Plaintiff in the Counterclaim to Close	11/13/2016
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	11/28/2016
30-day Testimony Period for Defendant in the Counterclaim and Rebuttal Testimony for Plaintiff to Close	1/12/2017
Counterclaim Plaintiff's Rebuttal Disclosures Due	1/27/2017
15-day Rebuttal Period for Plaintiff in the Counterclaim to Close	2/26/2017
Brief for Plaintiff Due	4/27/2017
Brief for Defendant and Plaintiff in the Counterclaim Due	5/27/2017
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due	6/26/2017

Reply Brief, if any, for Plaintiff in the Counterclaim Due

7/11/2017

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. *See* Trademark Rule 2.125.

If the parties file a motion to suspend or extend these dates, the motion should set forth the proposed dates in the format shown in this order. *See* Trademark Rule 2.121(d).

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.