

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: November 9, 2015

Opposition No. 91224067

Larry Paletz

v.

Tielsa GmbH

**Joi M Wilson, Paralegal Specialist:**

On September 16, 2015, Opposer served its notice of opposition. On September 28, 2015, Opposer filed an amended notice of opposition.

Additionally, on November 5, 2015, Applicant filed a motion to extend time to file its answer, without Opposer's consent<sup>1</sup>

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier. *See* Trademark Rule 2.107/2.115; TBMP § 507.01. However, as a practical matter,

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<sup>1</sup> When a motion to extend, or motion to reopen is filed without the consent of the nonmoving party, the Board will normally defer action on the motion until after the expiration of the nonmoving party's time to file a brief in opposition to the motion. If the nonmoving party fails to file a brief in opposition thereto, the Board will normally grant the motion as conceded. *See* TBMP 509.02

because the time to answer set by the Board's institution order is 40 days, a plaintiff may amend its complaint once as a matter of course beyond the initial 21 days from serving it until the defendant files either an answer or a motion under Fed. R. Civ. P. 12(b), (e) or (f). *See* TBMP § 507.02.

Opposer's amended notice of opposition was filed as a matter of course, and is accepted as Opposer's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(1)(A) and (B). The Board regrets the delay in response to this filing.

Answer is due November 7, 2015. The conference, disclosure, discovery and trial dates are reset as follows:

Time to Answer	<b>11/7/2015</b>
Deadline for Discovery Conference	<b>12/7/2015</b>
Discovery Opens	<b>12/7/2015</b>
Initial Disclosures Due	<b>1/6/2016</b>
Expert Disclosures Due	<b>5/5/2016</b>
Discovery Closes	<b>6/4/2016</b>
Plaintiff's Pretrial Disclosures	<b>7/19/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>9/2/2016</b>
Defendant's Pretrial Disclosures	<b>9/17/2016</b>
Defendant's 30-day Trial Period Ends	<b>11/1/2016</b>
Plaintiff's Rebuttal Disclosures	<b>11/16/2016</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>12/16/2016</b>

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