

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

KWM/gcp

Mailed: October 19, 2016

Opposition No. 91227887

IMAX Corporation

v.

Shenzhen Auto-vox Technology Co. Ltd

By the Trademark Trial and Appeal Board:

On August 30, 2016, the Board granted Applicant's motion (filed August 9, 2016) to set aside the Board's July 5, 2016 notice of default, allowing Applicant until September 19, 2016 in which to file and serve on counsel for Opposer an answer that complies in full with Fed. R. Civ. P. 8(b).

On September 13, 2016, Applicant filed an answer setting forth its defenses to the claims in Opposer's notice of opposition. Applicant's answer, however, once again fails to specifically admit or deny the allegations contained in each of the thirty-one numbered paragraphs in Opposer's notice of opposition pursuant to Fed. R. Civ. P. 8(b). Instead, Applicant improperly argues the merits of Opposer's asserted claims.

Although the Board has already provided Applicant an opportunity to file an answer pursuant to its order of August 30, 2016, the Board prefers to determine cases on their merits, and will afford Applicant one final opportunity to comply in full with

the requirements of Fed. R. Civ. P. 8.¹ In view thereof, Applicant is allowed until **November 8, 2016** in which to file and serve on counsel for Opposer an answer herein that complies in full with Fed. R. Civ. P. 8(b).²

As a final matter, on October 17, 2016, counsel for Opposer contacted the Board to request Board participation in the parties' required discovery conference. Opposer's request will not be granted at this juncture inasmuch as the pleadings must be closed before the parties can have a meaningful discovery conference. *See* TBMP § 401.01. Once the issues in the proceedings have been joined, Opposer may renew its request for Board participation in the discovery conference.

Remaining trial dates are reset as follows:

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|--------------------------------------|------------------|
| Deadline for Discovery Conference | 12/8/2016 |
| Discovery Opens | 12/8/2016 |
| Initial Disclosures Due | 1/7/2017 |
| Expert Disclosures Due | 5/7/2017 |
| Discovery Closes | 6/6/2017 |
| Plaintiff's Pretrial Disclosures Due | 7/21/2017 |
| Plaintiff's 30-day Trial Period Ends | 9/4/2017 |
| Defendant's Pretrial Disclosures Due | 9/19/2017 |

¹ Applicant is advised to review Opposition No. 91200155, Entry No. 6, and Opposition No. 91213081, Entry No. 4, for the proper format for an answer that complies with Fed. R. Civ. P. 8(b). Applicant may view these proceedings by inputting the proceeding numbers in TTABVue. TTABVue may be located at the following URL address:

<http://ttabvue.uspto.gov/ttabvue/>

For further guidance on how to prepare a proper answer, Applicant is ordered to review TBMP § 311 in its entirety. The TBMP can be found at the following URL address:

<https://www.uspto.gov/trademarks-application-process/appealing-trademark-decisions/tbmp-preface>

² In light of the Board's decision herein, Opposer's motion (filed September 15, 2016) to have Opposer's notice of opposition averments deemed admitted is deemed moot and will be given no further consideration.

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| Defendant's 30-day Trial Period Ends | 11/3/2017 |
| Plaintiff's Rebuttal Disclosures Due | 11/18/2017 |
| Plaintiff's 15-day Rebuttal Period Ends | 12/18/2017 |

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. Trademark Rule 2.135.

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.