

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 24, 2019

Opposition No. 91244290

T. Rowe Price Group, Inc.

v.

Horizon Wealth Management LLC

Monique Tyson, Paralegal Specialist:

STIPULATED PROTECTIVE ORDER

The stipulated protective agreement filed on December 21, 2018 is noted and its use in this proceeding is approved. *See* Trademark Rule 2.116(g). The parties are referred, as appropriate, to TBMP §§ 412.04 (Filing Confidential Materials With Board), and 412.05 (Handling of Confidential Materials by the Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing Trademark Rules 2.27(d) and (e), which provide that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection. The Board may treat as not confidential that material which cannot reasonably be considered

confidential, notwithstanding a designation as such by a party. *See* Trademark Rule 2.116(g).

EXTENSION

Opposer's consented motion filed December 26, 2018 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted.¹ Trademark Rule 2.127(a).

Answer is due January 30, 2019. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1).

The conference, disclosure, discovery and trial dates are reset in accordance with Opposer's motion as follows:

Time to Answer	1/30/2019
Deadline for Discovery Conference	3/1/2019
Discovery Opens	3/1/2019
Initial Disclosures Due	3/31/2019
Expert Disclosures Due	7/29/2019
Discovery Closes	8/28/2019
Plaintiff's Pretrial Disclosures Due	10/12/2019
Plaintiff's 30-day Trial Period Ends	11/26/2019
Defendant's Pretrial Disclosures Due	12/11/2019
Defendant's 30-day Trial Period Ends	1/25/2020
Plaintiff's Rebuttal Disclosures Due	2/9/2020
Plaintiff's 15-day Rebuttal Period Ends	3/10/2020
Plaintiff's Opening Brief Due	5/9/2020
Defendant's Brief Due	6/8/2020
Plaintiff's Reply Brief Due	6/23/2020

¹ When parties stipulate to the rescheduling of a deadline for pretrial disclosures and subsequent testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of subsequent deadlines for pretrial disclosures and testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board through ESTTA, with the relevant dates set forth and an express statement that all parties agree to the new dates. Trademark Rule 2.121(d).

Request for Oral Hearing (optional) Due

7/3/2020

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).