

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

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Mailed: October 15, 2014

Cancellation No. **92055558**

Economy Rent-A-Car, Inc.

v.

Emmmanouil Kokologiannis and Sons,
Societe Anonyme of Trade, Hotels and
Tourism S.A.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On October 13, 2014, the Board held a telephone conference to resolve a dispute between the parties concerning the scheduling of petitioner's testimonial depositions. Samuel D. Littlepage, Esq., of Dickinson Wright PLLC appeared on behalf of petitioner and Sharon Gobat, Esq., of Da Vinci Partners LLC appeared on behalf of respondent.

Pursuant to the Board's order of September 23, 2014, petitioner's initial testimony period is set to close on October 31, 2014. Between September 24 and October 8, 2014, the parties attempted to schedule three of petitioner's testimony depositions. Petitioner was prepared to take the depositions between October 6 and October 15, 2014, but was informed by respondent that it would not be available for any depositions until October 18, 2014. In response, petitioner noted that only two of the three depositions

could be accommodated during the latter half of October and that the third deposition, i.e., that of Robert Martyn, a non-party, could not be taken until November. As such, petitioner suggested that respondent could stipulate to admitting into testimony Mr. Martyn's declaration which was submitted as part of petitioner's opposition to respondent's motion for summary judgment or to take Mr. Martyn's testimony deposition in November. Respondent expressed its favor for the latter so long as it took place in early November.

Petitioner subsequently noticed the depositions of its CEO Alejandro Muniz for October 24, 2014, in Washington, DC and of its expert witness Hal Poret for October 28, 2014, in New York, NY. However, petitioner offered November 20 – 24, 2014, as the only available dates for Mr. Martyn's deposition. As respondent is seeking to minimize the number of trips to the United States to attend petitioner's testimonial depositions, respondent has sought the assistance of the Board in arriving at a mutually agreeable schedule.

During the course of the conference, various alternatives were discussed including potentially rescheduling the October depositions to November, respondent's remote attendance of the third deposition, and cross-stipulations to admit testimony via declaration. After much discussion, the parties were unable to agree on a set of dates in which respondent would be able to attend petitioner's testimonial depositions on a single trip to the United States. However, the parties were able to agree to the following:

- the Muniz deposition would remain unchanged, i.e., to take place on October 24, 2014, in Washington DC;
- the Poret deposition also remains unchanged, i.e., to take place on October 28, 2014, in New York, NY, except that petitioner would attempt to accommodate respondent's request to move the deposition to October 29, 30 or 31, 2014;
- petitioner's current testimony period will be extended to close on December 5, 2014, with the Martyn deposition to most likely occur during the period of November 20 – 24, 2014;
- no depositions will be scheduled during the periods of November 1 – 19, 2014, and November 25 – 28, 2014;

The parties are free to further modify these dates, by stipulation, should such a need arise. Dates are **RESET** as follows:

Plaintiff's 30-day Trial Period Ends	12/5/2014
Defendant's Pretrial Disclosures Due	12/20/2014
Defendant's 30-day Trial Period Ends	2/3/2015
Plaintiff's Rebuttal Disclosures Due	2/18/2015
Plaintiff's 15-day Rebuttal Period Ends	3/20/2015

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 taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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