

ESTTA Tracking number: **ESTTA691271**

Filing date: **08/24/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209815
Party	Plaintiff Cartier International A.G.
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Date	08/24/2015
Attachments	Trial Testimony Stipulation.pdf(15325 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CARTIER INTERNATIONAL A.G.,

Opposer,

v.

LANCE COACHMAN,

Applicant.

Opposition No. 91/209815

**STIPULATION REGARDING INTRODUCTION
OF PARTY DIRECT TESTIMONY AT TRIAL**

Pursuant to Trademark Rule of Practice 2.123(b), the parties, through their undersigned counsel, stipulate as follows:

1. The direct testimony of a party (the “Declaring Party”) may be offered into evidence by that party by means of a sworn affidavit or a declaration under penalty of perjury (each, a “Trial Declaration,” and any witness proffering a Trial Declaration, a “Declaring Witness”), with exhibits attached thereto, in lieu of a deposition upon oral examination.

2. Any Trial Declaration to be offered as evidence shall be filed with the Board, with any exhibits thereto, by the close of the Declaring Party’s trial or rebuttal period. In addition, all Trial Declarations shall be served by email (without exhibits) and by overnight courier or by hand (with exhibits) on opposing counsel by the closing of a party’s trial or rebuttal period.

3. A party receiving a Trial Declaration (the “Cross-Examining Party”) may, within thirty (30) days following the closing of the trial or rebuttal period in which the

Trial Declaration was served, cross-examine the Declaring Witness by either written deposition or by oral examination at the office of the Declaring Witness or his or her counsel, or as otherwise agreed between the parties. If cross-examination is sought, the parties shall work in good faith together to make certain that cross-examination is conducted within thirty (30) days following the closing of the trial or rebuttal period in which the Trial Declaration was served, or shall jointly apply for extensions of such dates such that neither party is prejudiced in its efforts to procure cross-examination.

4. The Cross-Examining Party desiring to cross-examine a Declaring Witness by written deposition shall serve its written deposition questions (the “Cross-Examination Questions”), with exhibits attached thereto, on opposing counsel within fifteen (15) days of receiving that Declaring Witness’s Trial Declaration. The Cross-Examination Questions shall be limited to no more than ten (10) per Declaring Witness. The Declaring Party shall then have fifteen (15) days in which to respond to each written deposition question by sworn affidavit or declaration under penalty of perjury (the “Cross-Examination Response Declaration”). The Declaring Party shall file the Cross-Examination Questions, with exhibits attached thereto, its Cross-Examination Response Declaration, and any objections to the Cross-Examination Questions with the TTAB within thirty (30) days following the close of the trial or rebuttal period in which the Trial Declaration was served.

5. The Cross-Examining Party desiring to cross-examine a Declaring Witness by oral examination shall notify the Declaring Witness’s counsel within seven (7) business days of receiving the Trial Declaration whether oral cross-examination is sought.

6. Any objection to the Trial Declaration that would be waived if not raised at a deposition upon oral examination must either be stated at the beginning of oral cross-examination or, if oral cross-examination is not to be undertaken, in a writing served by hand or email no later than fifteen (15) days after service of a Trial Declaration. In the event that a party relying on a Trial Declaration receives a written statement of objection(s) to the Trial Declaration, the party may attempt to correct the defect(s) within the following fifteen (15) days either through service of a supplemental Trial Declaration (if agreed to by the opposing party or parties) or through deposition upon oral examination, either of which must be strictly limited to attempting to cure defects.

7. If a party elects to conduct oral cross-examination of a Declaring Witness, the party that served the Trial Declaration of the Declaring Witness shall be responsible for engaging and scheduling a court reporter, shall be responsible for ensuring that the resulting deposition transcript (the “Cross-Examination Transcript”) complies with all applicable form requirements of the Trademark Rules of Practice and is filed in accordance with those Rules, and shall bear the costs associated with the engagement of the court reporter, preparation of the party’s own transcript copy, and compliance with all rules and procedures relating to filing of the transcript. Any Cross-Examination Transcript that is taken must be filed by the Cross-Examining Party, with any exhibits thereto, within thirty (30) days following the close of the trial or rebuttal period in which the Trial Declaration was served.

8. The parties may hereafter agree to alter any timing specified in this Stipulation.

9. Nothing in this Stipulation is intended to or shall be deemed to limit the means by which a party may offer or introduce trial testimony of any witness.

SO STIPULATED AND AGREED, this 24th day of August, 2015:

FROSS ZELNICK LEHRMAN & ZISSU, P.C. JENNER & BLOCK LLP

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*Attorneys for Opposer Cartier International
A.G.*

Attorneys for Applicant Lance Coachman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **STIPULATION REGARDING INTRODUCTION OF PARTY DIRECT TESTIMONY AT TRIAL** was sent by prepaid first-class mail this 24th day of August, 2015 to:

Reginald J. Hill, Esq.
D. Matthew Feldhaus, Esq.
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456

I further certify that a courtesy copy of the forgoing document was sent to counsel of record by email addressed to rhill@jenner.com and dfeldhaus@jenner.com on the same date.

/s/ Emily Weiss

Emily Weiss