

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: March 30, 2017

Opposition No. 91216122

Instagram, LLC

v.

Evergram, Inc

Geoffrey M. McNutt, Interlocutory Attorney:

The parties' stipulation to extend disclosure, discovery, and trial dates, filed by Opposer on March 29, 2017, is **granted**.¹ Trademark Rule 2.127(a).

In view of the parties' expressed confidence in their ability to finalize their settlement negotiations, the Board, in its discretion, is extending disclosure, discovery, and trial dates by **SIXTY DAYS**, as follows:

Expert Disclosures Due	6/26/2017
Discovery Closes	7/26/2017
Plaintiff's Pretrial Disclosures	9/9/2017
Plaintiff's 30-day Trial Period Ends	10/24/2017
Defendant's Pretrial Disclosures	11/8/2017
Defendant's 30-day Trial Period Ends	12/23/2017
Plaintiff's Rebuttal Disclosures	1/7/2018
Plaintiff's 15-day Rebuttal Period Ends	2/6/2018

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).

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, matters in evidence, the manner and timing of taking testimony, 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).