

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: November 10, 2017

Opposition No. 91219198

Matt Brewing Co., Inc.

v.

Adirondack Pub & Brewery, Inc.

Millicent Canady, Paralegal Specialist:

Opposer's consented motion, filed November 2, 2017, with progress shown, to extend disclosure, discovery, and trial dates is granted.¹ Trademark Rule 2.127(a).

Trial dates are reset in accordance with Opposer's motion, as follows:²

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).

² The parties are reminded of their continued obligation to provide a detailed progress report in support of any future motions for extensions or suspensions. In the event that the parties fail to establish good cause for the suspension or extension they seek, the Board may deny such motion.

Discovery Closes	1/5/2018
Plaintiff's Pretrial Disclosures Due	2/19/2018
Plaintiff's 30-day Trial Period Ends	4/5/2018
Defendant's Pretrial Disclosures Due	4/20/2018
Defendant's 30-day Trial Period Ends	6/4/2018
Plaintiff's Rebuttal Disclosures Due	6/19/2018
Plaintiff's 15-day Rebuttal Period Ends	7/19/2018
Plaintiff's Opening Brief Due	9/17/2018
Defendant's Brief Due	10/17/2018
Plaintiff's Reply Brief Due	11/1/2018
Request for Oral Hearing (optional) Due	11/11/2018

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).