

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: January 5, 2016

Opposition No. 91219821

*North Lock, LLC*

*v.*

*CV Brewing Co DBA Coachella Valley  
Brewing Co*

**Robert H. Coggins,  
Interlocutory Attorney:**

Evidentiary Stipulation

The stipulation (filed November 19, 2015) that the testimony of a witness may be submitted in the form of an affidavit by the witness is noted and approved. Trademark Rule 2.123(b); TBMP § 705 (2015).

Evidentiary Objections

Applicant's objections (filed January 5, 2016) to the Butcher and Sowers testimonial affidavits are noted; however, substantive objections to testimony (that is, objections going to such matters as relevance or hearsay) are not considered by the Board prior to final hearing. *See* TBMP § 707.03(c). It is the policy of the Board not to read trial testimony (including affidavits), or examine other trial evidence offered by the parties, prior to deliberations on the final decision. *See* TBMP § 502.01. Further, testimony regularly taken in accordance with the applicable rules

ordinarily will not be stricken on the basis of a substantive objection; rather, any such objection (unless waived) will be considered by the Board in its evaluation of the probative value of the testimony at final hearing. In view thereof, consideration of the objections is **deferred** until final hearing.

In order to preserve an objection that was seasonably raised at trial, a party should maintain the objection in its brief on the case, as an appendix to its brief on the case or in a separate statement of objections filed with its brief on the case; however, parties are discouraged from filing objections that are not outcome-determinative. *See* TBMP §§ 707.03(c) and 707.04.

Schedule

Dates remain as set.