

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: September 15, 2016

Opposition No. 91221928 (Parent)  
Cancellation No. 92062086

*VDF Futureceuticals, Inc.*

*v.*

*Owen Ryan*

**Victoria von Vistauxx, Paralegal Specialist:**

On May 13, 2015, VDF Futureceuticals, Inc./Counterclaim Defendant (Opposer) served its notice of opposition. On August 21, 2015, VDF Futureceuticals, Inc. (Petitioner) served its petition to cancel. On August 16, 2016, VDF Futureceuticals, Inc./Counterclaim Defendant filed its amended pleadings in the above-captioned consolidated proceeding. The amended pleadings are unopposed. See Trademark Rule 2.127 (a).

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required. *See* Trademark Rule 2.107/2.115; TBMP § 507.01.

Plaintiff/Counterclaim Defendant's amended pleadings in each of the above-captioned consolidated proceeding were filed as a matter of course, and are accepted

as its operative pleadings in this consolidated proceeding. *See* Fed. R. Civ. P. 15(a)(1)(A) and (B)

Applicant/Counterclaim Plaintiff is allowed until **OCTOBER 15, 2016** in which to file its answer to the amended pleadings in each of the above consolidated proceedings.

Accordingly, conferencing, discovery and all subsequent trial dates are reset as follows:

Deadline for Discovery Conference	November 14, 2016
Discovery Opens	November 14, 2016
Initial Disclosures Due	December 14, 2016
Expert Disclosures Due	April 13, 2017
Discovery Closes	May 13, 2017
Plaintiff's Pretrial Disclosures	June 27, 2017
30-day testimony period for plaintiff's testimony to close	August 11, 2017
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	August 26, 2017
30-day testimony period for defendant and plaintiff in the counterclaim to close	October 10, 2017
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	October 25, 2017
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	December 9, 2017
Counterclaim Plaintiff's Rebuttal Disclosures Due	December 24, 2017
15-day rebuttal period for plaintiff in the counterclaim to close	January 23, 2018
Brief for plaintiff due	March 24, 2018
Brief for defendant and plaintiff in the counterclaim due	April 23, 2018
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	May 23, 2018
Reply brief, if any, for plaintiff in the counterclaim due	June 7, 2018

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 the taking of testimony. Trademark Rule 2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.