

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: August 18, 2016

Opposition No. 91222214

*Dandy Products, Inc.*

v.

*Nicolon Corporation*

George C. Pologeorgis,  
Administrative Trademark Judge:

Pursuant to Board procedure, Opposer filed a notification on August 16, 2016 advising the Board that it will be employing an expert witness in this matter and that it has made the requisite expert disclosure upon Applicant.

Inasmuch as Opposer has now advised the Board of its intention of using an expert witness, proceedings herein are **suspended** for **sixty (60) days** for the sole purpose of affording Applicant the opportunity to take discovery limited to Opposer's designated expert witness. Moreover, if Applicant retains an expert for rebuttal purposes only, Applicant must serve a rebuttal expert disclosure upon Opposer in accordance with Fed. R. Civ. P. 26(a)(2)(D)(ii), as well as notify the Board of its intention of using a rebuttal expert witness within thirty days from the service date of Opposer's expert witness disclosure. In the event Applicant does retain a rebuttal expert witness, Opposer will be entitled to take limited discovery of Applicant's rebuttal expert witness within the same sixty days provided above. To

the extent either party requires an extension of the suspension period to complete the discovery permitted above, such party may file a motion to extend the suspension period.

If all discovery regarding designated expert witnesses is completed prior to the conclusion of the sixty-day suspension, the parties must notify the Board so that the Board may reset the remaining time in discovery, as well as reset all subsequent trial dates. Otherwise, proceedings herein will resume at the conclusion of the sixty-day suspension period pursuant to the following trial schedule:<sup>1</sup>

Proceedings resume:

**October 16, 2016**

Discovery Closes	<b>11/15/2016</b>
Plaintiff's Pretrial Disclosures Due	<b>12/30/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>2/13/2017</b>
Defendant's Pretrial Disclosures Due	<b>2/28/2017</b>
Defendant's 30-day Trial Period Ends	<b>4/14/2017</b>
Plaintiff's Rebuttal Disclosures Due	<b>4/29/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/29/2017</b>

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 Trademarks Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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<sup>1</sup> By this order, the Board assumes that Opposer has complied with all the requirements concerning an expert witness disclosure under Fed. R. Civ. P. 26(a)(2), including service of an expert witness report, concurrently with its expert witness disclosure, upon Applicant.