

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: June 1, 2017

Opposition No. 91224573

*ADG, LLC*

*v.*

*Smile Expressions P.A.*

**Nicole Thier, Paralegal Specialist:**

On April 4, 2017, Opposer filed an amended notice of opposition in view of new evidence found during discovery. No response has been received in opposition to Opposer's motion.

Accordingly, Opposer's motion to amend its pleading is granted as conceded. Opposer's amended notice of opposition is accepted as Opposer's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(2).

Applicant is allowed until **July 1, 2017** to file an answer to the amended notice of opposition.

Trial dates remain as otherwise set forth in the Board's April 20, 2017 order.

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