

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 19, 2017

Opposition No. 91226550

*Apple Inc.*

*v.*

*Heathkit Company, Inc.*

**Amy Matelski, Paralegal Specialist:**

Applicant's consented motion filed September 14, 2017 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted.<sup>1</sup> Trademark Rule 2.127(a).

Answer is due November 26, 2017. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1).

The conference, disclosure, discovery and trial dates are reset as follows:

Time to Answer	11/26/2017
Deadline for Discovery Conference	12/26/2017
Discovery Opens	12/26/2017

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<sup>1</sup> 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).

Initial Disclosures Due	1/25/2018
Expert Disclosures Due	5/25/2018
Discovery Closes	6/24/2018
Plaintiff's Pretrial Disclosures Due	8/8/2018
Plaintiff's 30-day Trial Period Ends	9/22/2018
Defendant's Pretrial Disclosures Due	10/7/2018
Defendant's 30-day Trial Period Ends	11/21/2018
Plaintiff's Rebuttal Disclosures Due	12/6/2018
Plaintiff's 15-day Rebuttal Period Ends	1/5/2019
Plaintiff's Opening Brief Due	3/6/2019
Defendant's Brief Due	4/5/2019
Plaintiff's Reply Brief Due	4/20/2019
Request for Oral Hearing (optional) Due	4/30/2019

The parties are reminded that if the parties agree to another extension or suspension, they will be expected to report to the Board on the progress of discovery, or of any ongoing settlement negotiations. Such report must include: a recitation of discovery taken to date, a statement of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

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

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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).