

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: January 10, 2018

Opposition No. 91226550

*Apple Inc.*

*v.*

*Heathkit Company, Inc.*

**Amy Matelski, Paralegal Specialist:**

Applicant's consented motion filed December 26, 2017 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted as modified.<sup>1</sup> Trademark Rule 2.127(a).

Answer is due January 26, 2018. 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 in accordance with Applicant's motion as follows:

---

<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).

Time to Answer	1/26/2018
Deadline for Discovery Conference	2/25/2018
Discovery Opens	2/25/2018
Initial Disclosures Due	3/27/2018
Expert Disclosures Due	7/25/2018
Discovery Closes	8/24/2018
Plaintiff's Pretrial Disclosures Due	10/8/2018
Plaintiff's 30-day Trial Period Ends	11/22/2018
Defendant's Pretrial Disclosures Due	12/7/2018
Defendant's 30-day Trial Period Ends	1/21/2019
Plaintiff's Rebuttal Disclosures Due	2/5/2019
Plaintiff's 15-day Rebuttal Period Ends	3/7/2019
Plaintiff's Opening Brief Due	5/6/2019
Defendant's Brief Due	6/5/2019
Plaintiff's Reply Brief Due	6/20/2019
Request for Oral Hearing (optional) Due	6/30/2019

Inasmuch as Opposer has provided the Board with an updated report of the parties settlement discussions as previously required, the parties are reminded that there is a continuing obligation to provide good cause in the form of detailed progress reports for any further extension or suspension requests.

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

Opposition No. 91226550

only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).