

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  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

October 15, 2018

Opposition No. 91227886

*TJ Carolan & Son Limited*

*v.*

*Starbuzz Tobacco, Inc.*

**Lalita Webb, Paralegal Specialist:**

On October 11, 2018, Opposer filed an amended notice of opposition with Applicant's consent.

Pursuant to Fed. R. Civ. P. 15(a)(1)(B), 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, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier. *See* Trademark Rule 2.107/2.115; TBMP § 507.01.<sup>1</sup>

Inasmuch as the amended pleading was filed 21 days after service of a responsive pleading it is accepted as a matter of course.

---

<sup>1</sup> Applicant's consented motion filed October 1, 2018, to extend trial dates is noted.

Applicant is allowed until **November 14, 2018** in which to file an answer to the amended notice of opposition.

Conferencing, discovery and trial dates are reset as follows:

Deadline for Discovery Conference	12/14/2018
Discovery Opens	12/14/2018
Initial Disclosures Due	1/13/2019
Expert Disclosures Due	5/13/2019
Discovery Closes	6/12/2019
Plaintiff's Pretrial Disclosures Due	7/27/2019
Plaintiff's 30-day Trial Period Ends	9/10/2019
Defendant's Pretrial Disclosures Due	9/25/2019
Defendant's 30-day Trial Period Ends	11/9/2019
Plaintiff's Rebuttal Disclosures Due	11/24/2019
Plaintiff's 15-day Rebuttal Period Ends	12/24/2019
Plaintiff's Opening Brief Due	2/22/2020
Defendant's Brief Due	3/23/2020
Plaintiff's Reply Brief Due	4/7/2020
Request for Oral Hearing (optional) Due	4/17/2020

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

Opposition No. 91227886

final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).