

ESTTA Tracking number: **ESTTA908812**

Filing date: **07/12/2018**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91230559
Party	Plaintiff American Express Marketing & Developing Corp.
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Date	07/12/2018
Attachments	Consolidated Opposition No 91230559 -- Stipulation for Accelerated Case Resolution.docx.pdf(104738 bytes)

Opposition No. 91230559

Opposition No. 91230559

Opposition No. 91232714

American Express Marketing & Development Corp.

v.

Tung B. Vo

STIPULATION FOR ACCELERATED CASE RESOLUTION

The parties, in order to obtain a decision on the merits of their claims and defenses on an expedited basis, agree to the following ACR (accelerated case resolution) procedures, as indicated by the signatures of the parties' attorneys. The terms are binding from the date of signature. The dates listed are operative from the date the Board approves this agreement.

DISCOVERY AND DISCLOSURES

Discovery remains closed, and the parties waive pretrial disclosures.

MOTIONS

No motions are anticipated at this time. Should a dispute arise, in lieu of submitting written motions, the parties agree to call the Board to seek a phone conference with TTAB Attorney Elizabeth Dunn (or in her absence, her designate) to expedite resolution. The Board's oral rulings will be followed by a summary order.

TRIAL AND BRIEFING

The parties agree that the summary judgment record, as supplemented during trial, is the trial record. While the parties will not argue that any part of the summary judgment record is inadmissible, the parties reserve the right to object to evidence

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on substantive grounds such as competency, relevancy or materiality, or the weight to be accorded particular items of evidence.

No testimony depositions are planned at this time. If either party supplements the record with declarations or affidavits in lieu of testimony depositions, the other party retains the right to seek cross-examination. Failure to seek cross-examination does not preclude the other party from arguing in its ACR brief that the declaration or affidavit is inconsistent, lacks corroborative detail, or otherwise merits little evidentiary weight.

TRIAL AND BRIEFING SCHEDULE

Opposer's trial period ends	July 13, 2018
Applicant's trial period ends	July 27, 2018
Opposer's rebuttal trial period ends	August 24, 2018
Opposer's Trial Brief Due	September 14, 2018
Applicant's Trial Brief Due	October 5, 2018
Opposer's Reply Brief Due	October 19, 2018
Request for Oral Hearing (optional) Due	October 29, 2018

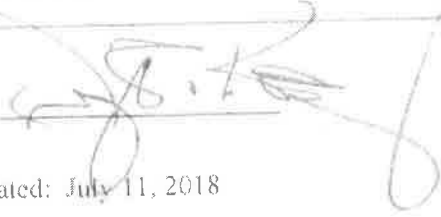
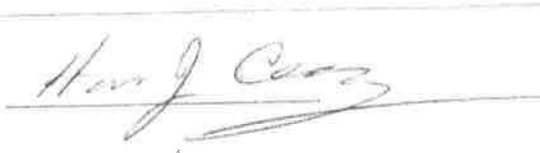
DECISION

The parties agree that the Board will expedite determination of this matter, generally issuing a final decision on the merits within fifty days of the due date for the reply brief or the oral hearing (if one has been requested), and will decide it in accordance with the evidentiary burden at trial, that is, by preponderance of the evidence. The Board will decide disputed facts as part of the final decision.

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APPEAL

The Board's decision in this ACR proceeding is final, and judicially reviewable as set forth in Trademark Rule 2.145.

 Dated: July 11, 2018 Attorney for Opposer	 Dated: July 11, 2018 Attorney for Applicant
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