

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

Tdc

Mailed: March 8, 2018

Opposition No. 91230971

The East India Company Holdings Pte Ltd.

v.

Captain William G. MacDonald

Tyrone Craven, Lead Paralegal Specialist:

Applicant's consented motions filed February 5, 2018 and March 7, 2018 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, are granted.¹ Trademark Rule 2.127(a).

The Board notes that in its December 14, 2017 order, the parties were advised that the approval of all future motions to extend or suspend for settlement must establish good cause and include a detailed status report setting forth the efforts the parties have made towards settlement. However, Applicant's February 5, 2018 and March 7, 2018 request does not include the required showing.

¹ 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).

The parties are informed that any future motion to extend, suspend, or reopen **MUST** be supported by a detailed report to establish good cause by reciting **(1) the dates on which the parties have communicated since the last motion, (2) the method of each communication (e.g., telephone, email, in-person, etc.), (3) the general nature of each communication, (4) a list of issues that have been resolved, (5) a list of issues that remain to be resolved or remain for trial, and (6) a proposed timetable for resolution of the unresolved issues; failing which, the prospective motion may not be approved, even if consented by the parties.** See TBMP § 510.03(a).

Accordingly, Applicant's answer is due **June 5, 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:

Deadline for Discovery Conference	7/5/2018
Discovery Opens	7/5/2018
Initial Disclosures Due	8/4/2018
Expert Disclosures Due	12/2/2018
Discovery Closes	1/1/2019
Plaintiff's Pretrial Disclosures Due	2/15/2019
Plaintiff's 30-day Trial Period Ends	4/1/2019
Defendant's Pretrial Disclosures Due	4/16/2019
Defendant's 30-day Trial Period Ends	5/31/2019
Plaintiff's Rebuttal Disclosures Due	6/15/2019
Plaintiff's 15-day Rebuttal Period Ends	7/15/2019
Plaintiff's Opening Brief Due	9/13/2019
Defendant's Brief Due	10/13/2019
Plaintiff's Reply Brief Due	10/28/2019
Request for Oral Hearing (optional) Due	11/7/2019

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).