

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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June 15, 2018

Opposition No. 91230971

The East India Company Holdings Pte Ltd.

v.

Captain William G. MacDonald

Joi M. Wilson, Paralegal Specialist:

Applicant's consented motion filed June 5, 2018 to extend time to file an answer to the notice of opposition and to extend conference, disclosure, discovery and trial dates, contains the required good cause and is granted.¹ Trademark Rule 2.127(a).

Answer is due September 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).

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).

Accordingly, Applicant's answer is due **September 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:

Time to Answer	9/5/2018
Deadline for Discovery Conference	10/5/2018
Discovery Opens	10/5/2018
Initial Disclosures Due	11/4/2018
Expert Disclosures Due	3/4/2019
Discovery Closes	4/3/2019
Plaintiff's Pretrial Disclosures Due	5/18/2019
Plaintiff's 30-day Trial Period Ends	7/2/2019
Defendant's Pretrial Disclosures Due	7/17/2019
Defendant's 30-day Trial Period Ends	8/31/2019
Plaintiff's Rebuttal Disclosures Due	9/15/2019
Plaintiff's 15-day Rebuttal Period Ends	10/15/2019
Plaintiff's Opening Brief Due	12/14/2019
Defendant's Brief Due	1/13/2020
Plaintiff's Reply Brief Due	1/28/2020
Request for Oral Hearing (optional) Due	2/7/2020

The parties are reminded that there is a continuing obligation to provide a report on the progress of the parties' settlement efforts to establish good cause for any further extensions or suspensions. Such report must include: a recitation 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 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).