

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
TTAB Assistance Center: 571-272-8500

Mailed: January 24, 2018

Opposition No. 91231324

*Id Software LLC*

*v.*

*Tomy Company, Ltd.*

**Karl Kochersperger, Paralegal Specialist:**

Applicant's consented motion filed January 16, 2018 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted.<sup>1</sup> Trademark Rule 2.127(a).

Answer is due February 24, 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:

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<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	2/24/2018
Deadline for Discovery Conference	3/26/2018
Discovery Opens	3/26/2018
Initial Disclosures Due	4/25/2018
Expert Disclosures Due	8/23/2018
Discovery Closes	9/22/2018
Plaintiff's Pretrial Disclosures Due	11/6/2018
Plaintiff's 30-day Trial Period Ends	12/21/2018
Defendant's Pretrial Disclosures Due	1/5/2019
Defendant's 30-day Trial Period Ends	2/19/2019
Plaintiff's Rebuttal Disclosures Due	3/6/2019
Plaintiff's 15-day Rebuttal Period Ends	4/5/2019
Plaintiff's Opening Brief Due	6/4/2019
Defendant's Brief Due	7/4/2019
Plaintiff's Reply Brief Due	7/19/2019
Request for Oral Hearing (optional) Due	7/29/2019

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).

The Board notes that there have been numerous extensions granted in this proceeding. The parties are advised that to continue to seek further extensions after this period expires, the parties will be expected to make a showing of good cause for any

further extensions or suspensions. This is true even when both parties stipulate to the request. Should either party submit another motion for an extension of time or suspension, said motion must be accompanied by a showing of good cause, which must comprise a detailed status report regarding the progress of the parties' settlement negotiations, including when the last settlement proposal was sent, by whom, and when a response is expected, a recitation of the issues that have been resolved since the commencement of the proceeding, a list of issues that remain to be resolved, and a timetable for resolution. Confidential information may be so designated and will be barred from public viewing. Absent such a report, any further motion to extend time or to suspend this proceeding may not be approved, even though agreed to by the parties.