

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
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June 11, 2018

Opposition No. 91231360

Cummins Engine IP, Inc.

v.

Honeywell International Inc.

Tyrone Craven, Lead Paralegal Specialist:

Opposer's consented motion, filed May 25, 2018, to extend disclosure, discovery, and trial dates is granted.¹ Trademark Rule 2.127(a).

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, and (6) a proposed timetable for resolution of the unresolved issues; failing which, the

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).

prospective motion may not be approved, even if consented by the parties. See TBMP § 510.03(a).

Trial dates are reset in accordance with Opposer's motion, as follows:

Initial Disclosures Due	6/25/2018
Expert Disclosures Due	10/23/2018
Discovery Closes	11/22/2018
Plaintiff's Pretrial Disclosures Due	1/6/2019
Plaintiff's 30-day Trial Period Ends	2/20/2019
Defendant's Pretrial Disclosures Due	3/7/2019
Defendant's 30-day Trial Period Ends	4/21/2019
Plaintiff's Rebuttal Disclosures Due	5/6/2019
Plaintiff's 15-day Rebuttal Period Ends	6/5/2019
Plaintiff's Opening Brief Due	8/4/2019
Defendant's Brief Due	9/3/2019
Plaintiff's Reply Brief Due	9/18/2019
Request for Oral Hearing (optional) Due	9/28/2019

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, matters in evidence, the manner and timing of taking testimony, 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).