

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
General Email: TTABInfo@uspto.gov

June 3, 2019

Opposition No. 91231833

Birds Eye Foods, LLC

v.

Hawaiian Chip Company LLC

Victoria von Vistauxx, Paralegal Specialist:

Opposer's/Counterclaim Defendant's consented motion, filed May 31, 2019, to extend discovery, and all subsequent trial dates is granted.¹ Trademark Rule 2.127(a).

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

Discovery Closes	9/10/2019
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	10/25/2019
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	12/9/2019
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	12/24/2019

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).

30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	2/7/2020
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	2/22/2020
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	4/7/2020
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	4/22/2020
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	5/22/2020
Opening Brief for Party in Position of Plaintiff in Original Claim Due	7/21/2020
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	8/20/2020
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	9/19/2020
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	10/4/2020
Request for Oral Hearing (optional) Due	10/14/2020

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).