

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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Mailed: May 2, 2017

Opposition No. 91232303

*John Zidian Co., Inc., Zidian Import, Inc.,  
and John Zidian Company, Inc.*

*v.*

*WellMont Farms LLC*

**Andrew P. Baxley, Interlocutory Attorney:**

The above-captioned proceeding was instituted with Pholia Farm Creamery, LLC (“Pholia”) identified as the party defendant. However, the involved application was assigned from Pholia to WellMont Farms LLC (“Applicant”) on October 6, 2016, with the assignment being recorded with the USPTO’s Assignment Recordation Division at Reel 5919/Frame 0915 on November 15, 2016, after publication of the involved mark for opposition and prior to the commencement of this proceeding.<sup>1</sup> Accordingly, Applicant is substituted as the party defendant. *See* Patent and Trademark Rule 3.73(b); TBMP § 512.01. The caption is amended in accordance with the foregoing.<sup>2</sup>

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<sup>1</sup> In view of the foregoing, the proceeding should have been instituted with Applicant identified as the party defendant herein. *See* TBMP § 310.01 (2017).

<sup>2</sup> The correspondence address set forth in the assignment document is Paul W. Reidl, 285 Troon Way, Half Moon Bay, CA 94019. Mr. Reidl is the attorney who represented Pholia during ex parte prosecution of the involved application.

The notice of institution is sent to counsel for Applicant, WellMont Farms LLC, at the following address:<sup>3</sup>

**WellMont Farms, LLC  
9115 West Evans Creek Road  
Rogue River, OR 97537**

In view of the circumstances, the notice of default is vacated. Dates herein, including the time for filing an answer to the notice of opposition, are reset as follows.

Answer Due	<b>6/11/2017</b>
Deadline for Discovery Conference	<b>7/11/2017</b>
Discovery Opens	<b>7/11/2017</b>
Initial Disclosures Due	<b>8/10/2017</b>
Expert Disclosures Due	<b>12/8/2017</b>
Discovery Closes	<b>1/7/2018</b>
Plaintiff's Pretrial Disclosures	<b>2/21/2018</b>
Plaintiff's 30-day Trial Period Ends	<b>4/7/2018</b>
Defendant's Pretrial Disclosures	<b>4/22/2018</b>
Defendant's 30-day Trial Period Ends	<b>6/6/2018</b>
Plaintiff's Rebuttal Disclosures	<b>6/21/2018</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>7/21/2018</b>

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

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<sup>3</sup> A copy of the notice of opposition can be viewed using TTABVUE at <http://ttabvue.uspto.gov>. Applicant must promptly file a change of correspondence through ESTTA if the address or email address currently of record requires correction. Applicant is reminded of its responsibility to ensure that the Board has its current correspondence address and email address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. See Trademark Rule 2.18(b)(1); TBMP § 117.07.

Opposition No. 91232303

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).

cc: Paul W. Reidl  
285 Troon Way  
Half Moon Bay, CA 94019