

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

Mailed: January 31, 2018

Opposition No. 91232396

OSI Pharmaceuticals, LLC

v.

Tarveda Therapeutics, Inc.

Tyrone Craven, Lead Paralegal Specialist:

Applicant's consented motion filed January 29, 2018 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted.¹ Trademark Rule 2.127(a).

Answer is due **March 30, 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).

The parties are advised that any future motion to extend or suspend must include a report on the progress of the parties' settlement efforts to establish good cause for any further extension or suspension. Such report must include: a recitation of issues

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).

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.

The conference, disclosure, discovery and trial dates are reset in accordance with Applicant's motion as follows:

Deadline for Discovery Conference	4/29/2018
Discovery Opens	4/29/2018
Initial Disclosures Due	5/29/2018
Expert Disclosures Due	9/26/2018
Discovery Closes	10/26/2018
Plaintiff's Pretrial Disclosures Due	12/10/2018
Plaintiff's 30-day Trial Period Ends	1/24/2019
Defendant's Pretrial Disclosures Due	2/8/2019
Defendant's 30-day Trial Period Ends	3/25/2019
Plaintiff's Rebuttal Disclosures Due	4/9/2019
Plaintiff's 15-day Rebuttal Period Ends	5/9/2019
Plaintiff's Opening Brief Due	7/8/2019
Defendant's Brief Due	8/7/2019
Plaintiff's Reply Brief Due	8/22/2019
Request for Oral Hearing (optional) Due	9/1/2019

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

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only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).