

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 22, 2018

Opposition No. 91232396

OSI Pharmaceuticals, LLC

v.

Tarveda Therapeutics, Inc.

Tyrone Craven, Lead Paralegal Specialist:

Applicant's consented motion filed May 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. 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

prospective motion may not be approved, even if consented by the parties. See TBMP § 510.03(a).¹

Answer is due **June 28, 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 conference, disclosure, discovery and trial dates are reset in accordance with Applicant's motion as follows:

Deadline for Discovery Conference	7/28/2018
Discovery Opens	7/28/2018
Initial Disclosures Due	8/27/2018
Expert Disclosures Due	12/25/2018
Discovery Closes	1/24/2019
Plaintiff's Pretrial Disclosures Due	3/10/2019
Plaintiff's 30-day Trial Period Ends	4/24/2019
Defendant's Pretrial Disclosures Due	5/9/2019
Defendant's 30-day Trial Period Ends	6/23/2019
Plaintiff's Rebuttal Disclosures Due	7/8/2019
Plaintiff's 15-day Rebuttal Period Ends	8/7/2019
Plaintiff's Opening Brief Due	10/6/2019
Defendant's Brief Due	11/5/2019
Plaintiff's Reply Brief Due	11/20/2019
Request for Oral Hearing (optional) Due	11/30/2019

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

¹ Due to this requirement, the parties may no longer use the ESTTA "Consent Motions" forms to submit motions to extend or suspend dates for settlement. Rather, the parties must select the "Opposition, Cancellation or Concurrent Use (general filings)" option, the "Scheduling Motions" option, then the "Motion to Suspend for Settlement Discussions" form to which the parties may attach the motion they prepared. The motion must set forth both the required status report and a proposed trial schedule. The requirement to use the general filings ESTTA form is limited to consent motions based on settlement discussions, and does not prohibit the use of ESTTA consent forms for other filings.

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).