

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

CME

Mailed: May 12, 2017

Opposition No. 91232737
Cancellation No. 92065478

Slumberland, Inc.

v.

Mattress Firm, Inc.

Christen M. English, Interlocutory Attorney:

On February 24, 2017, the Board issued an order consolidating the above-captioned proceedings. The Board expressly instructed the parties that with the exception of Mattress Firm, Inc.'s answers, all future submissions should be filed in the *parent case only*. 4 TTABVUE 2. In direct contravention of the Board's instructions, the parties filed four extensions of the deadlines in the child case only. As a result, these consolidated cases are now on two different schedules.

The Board issues this order to make clear that the schedule in the child case applies to *both* cases. This schedule is set forth below.

No further papers should be filed in the child case *except* Mattress Firm, Inc.'s answer to the petition to cancel in Cancellation No. 92065478. *The parties are reminded to carefully read Board orders and to comply strictly with Board instructions.*

Time to Answer ¹	June 4, 2017
Deadline for Discovery Conference	July 4, 2017
Discovery Opens	July 4, 2017
Initial Disclosures Due	August 3, 2017
Expert Disclosures Due	December 1, 2017
Discovery Closes	December 31, 2017
Plaintiff's Pretrial Disclosures Due	February 14, 2018
Plaintiff's 30-day Trial Period Ends	March 31, 2018
Defendant's Pretrial Disclosures Due	April 15, 2018
Defendant's 30-day Trial Period Ends	May 30, 2018
Plaintiff's Rebuttal Disclosures Due	June 14, 2018
Plaintiff's 15-day Rebuttal Period Ends	July 14, 2018

BRIEFS SHALL BE DUE AS FOLLOWS:

Plaintiff's Main Brief Due	September 12, 2018
Defendant's Main Brief Due	October 12, 2018
Plaintiff's Reply Brief Due	October 27, 2018

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

¹ The Board reiterates that Mattress Firm, Inc. should file a separate answer in each proceeding. This is the *only* exception to the requirement that all submissions be filed in the parent case only.

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final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).
