

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](mailto:TTABInfo@uspto.gov)

April 17, 2019

Opposition No. 91233439

*H. Best, Ltd.*

*v.*

*2XU Pty Ltd*

**Victoria von Vistauxx, Paralegal Specialist:**

Applicant's consented motion, filed April 12, 2019, to suspend this proceeding for 90 days, is granted for good cause shown.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time.<sup>1</sup> See Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed.<sup>2</sup> See Trademark Rule 2.18(b)(1).

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<sup>1</sup> The parties should continue to update the Board with the CURRENT status of their settlement efforts, if further request for suspension or extension is filed.

<sup>2</sup> If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, **proceedings shall resume without further notice or order from the Board**, in accordance with Applicant's motion, as follows:

Proceedings Resume: **7/01/2019**

|   |            |
|---|------------|
| Time to Answer                          | 7/14/2019  |
| Deadline for Discovery Conference       | 8/13/2019  |
| Discovery Opens                         | 8/13/2019  |
| Initial Disclosures Due                 | 9/12/2019  |
| Expert Disclosures Due                  | 1/10/2020  |
| Discovery Closes                        | 2/9/2020   |
| Plaintiff's Pretrial Disclosures Due    | 3/25/2020  |
| Plaintiff's 30-day Trial Period Ends    | 5/9/2020   |
| Defendant's Pretrial Disclosures Due    | 5/24/2020  |
| Defendant's 30-day Trial Period Ends    | 7/8/2020   |
| Plaintiff's Rebuttal Disclosures Due    | 7/23/2020  |
| Plaintiff's 15-day Rebuttal Period Ends | 8/22/2020  |
| Plaintiff's Opening Brief Due           | 10/21/2020 |
| Defendant's Brief Due                   | 11/20/2020 |
| Plaintiff's Reply Brief Due             | 12/5/2020  |
| Request for Oral Hearing (optional) Due | 12/15/2020 |

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, 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).