

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)

CME/WF/VV

October 19, 2019

Opposition No. 91233439

*H. Best, Ltd.*

*v.*

*2XU Pty Ltd.*

**Christen M. English, Administrative Trademark Judge:**

Opposer's consented motion, filed September 12, 2019, to suspend for sixty (60) days is **granted** for good cause shown. Trademark Rule 2.127(a). Proceedings are suspended for 60 days subject to the right of either party to request resumption at any time. The Board, however will not entertain any further motions to suspend or extend for settlement until after an answer is filed and the required discovery conference is conducted.<sup>1</sup> An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b).

If there is no further word from the parties' regarding settlement, proceedings will resume on the schedule in Opposer's motion as set forth below.

Time to Answer	<b>11/12/2019</b>
Deadline for Discovery Conference	<b>12/12/2019</b>

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<sup>1</sup> The parties are reminded that any future motions to suspend or extend for settlement must include a detailed report regarding the progress of the parties' settlement negotiations. 32 TTABVUE.

Discovery Opens	<b>12/12/2019</b>
Initial Disclosures Due	<b>1/11/2020</b>
Expert Disclosures Due	<b>5/10/2020</b>
Discovery Closes	<b>6/9/2020</b>
Plaintiff's Pretrial Disclosures Due	<b>7/24/2020</b>
Plaintiff's 30-day Trial Period Ends	<b>9/7/2020</b>
Defendant's Pretrial Disclosures Due	<b>9/22/2020</b>
Defendant's 30-day Trial Period Ends	<b>11/6/2020</b>
Plaintiff's Rebuttal Disclosures Due	<b>11/21/2020</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>12/21/2020</b>
Plaintiff's Opening Brief Due	<b>2/19/2021</b>
Defendant's Brief Due	<b>3/21/2021</b>
Plaintiff's Reply Brief Due	<b>4/5/2021</b>
Request for Oral Hearing (optional) Due	<b>4/15/2021</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 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).