

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: August 25, 2017

Opposition No. 91233803

Disney Enterprises, Inc.

v.

47 / 72 Inc.

Ellen Yowell, Paralegal Specialist:

On June 30, 2017, the Board issued a notice of default against Applicant for failure to file an answer to the notice of opposition. On July 19, 2017, Applicant filed its answer to the notice of opposition and a response to the Board's show cause order.

Inasmuch as the record does not indicate that Applicant has acted in bad faith, for the purpose of delay or with a lack of diligence, and indicates that Applicant seeks to set forth a meritorious defense to the allegations, the Board's June 30, 2017 default is set aside.

Proceedings are resumed. Disclosure, discovery, and trial dates are reset as follows:

Deadline for Discovery Conference	9/24/2017
Discovery Opens	9/24/2017
Initial Disclosures Due	10/24/2017
Expert Disclosures Due	2/21/2018
Discovery Closes	3/23/2018
Plaintiff's Pretrial Disclosures Due	5/7/2018
Plaintiff's 30-day Trial Period Ends	6/21/2018
Defendant's Pretrial Disclosures Due	7/6/2018

Defendant's 30-day Trial Period Ends	8/20/2018
Plaintiff's Rebuttal Disclosures Due	9/4/2018
Plaintiff's 15-day Rebuttal Period Ends	10/4/2018
Plaintiff's Opening Brief Due	12/3/2018
Defendant's Brief Due	1/2/2019
Plaintiff's Reply Brief Due	1/17/2019

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, matters in evidence, the manner and timing of taking testimony, 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).