

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: July 13, 2017

Opposition No. 91233804

The Behemoth

v.

HominidGear, LLC

Ellen Yowell, Paralegal Specialist:

Opposer's consented motion, filed July 6, 2017, to extend disclosure, discovery, and trial dates is granted.¹ Trademark Rule 2.127(a).

Disclosure, discovery, and trial dates are reset in accordance with Opposer's motion, as follows:

Initial Disclosures Due	8/12/2017
Expert Disclosures Due	12/10/2017
Discovery Closes	1/9/2018
Plaintiff's Pretrial Disclosures Due	2/23/2018
Plaintiff's 30-day Trial Period Ends	4/9/2018
Defendant's Pretrial Disclosures Due	4/24/2018
Defendant's 30-day Trial Period Ends	6/8/2018
Plaintiff's Rebuttal Disclosures Due	6/23/2018
Plaintiff's 15-day Rebuttal Period Ends	7/23/2018
Plaintiff's Opening Brief Due	9/21/2018

¹ When parties stipulate to the rescheduling of a deadline for pretrial disclosures and subsequent testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of subsequent deadlines for pretrial disclosures and testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board through ESTTA, with the relevant dates set forth and an express statement that all parties agree to the new dates. Trademark Rule 2.121(d).

Defendant's Brief Due	10/21/2018
Plaintiff's Reply Brief Due	11/5/2018
Request for Oral Hearing (optional) Due	1/24/2019

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).²

² Applicant's answer, filed May 15, 2017, is noted.