

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

July 12, 2019

Opposition No. 91234715

Birds Eye Foods LLC

v.

Michael Hanson

Lalita Webb, Paralegal Specialist:

Opposer's consented motion, filed July 9, 2019, to extend disclosure, discovery, and trial dates is granted.¹

If the parties agree to another extension or suspension for settlement purposes, they will be expected to report to the Board on the progress of discovery, or of any ongoing settlement negotiations, and a firm timetable for resolution. Absent such a progress report, any future motion to extend or suspend for settlement may not be approved, even though agreed to by the parties.

In view thereof, dates are reset in accordance with Opposer's motion as follows:²

¹ Opposer's entry of appearance, filed June 26, 2019, is noted. The Board's records have been updated accordingly.

² 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

Expert Disclosures Due	9/21/2019
Discovery Closes	10/21/2019
Plaintiff's Pretrial Disclosures Due	12/5/2019
Plaintiff's 30-day Trial Period Ends	1/19/2020
Defendant's Pretrial Disclosures Due	2/3/2020
Defendant's 30-day Trial Period Ends	3/19/2020
Plaintiff's Rebuttal Disclosures Due	4/3/2020
Plaintiff's 15-day Rebuttal Period Ends	5/3/2020
Plaintiff's Opening Brief Due	7/2/2020
Defendant's Brief Due	8/1/2020
Plaintiff's Reply Brief Due	8/16/2020
Request for Oral Hearing (optional) Due	8/26/2020

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).

and an express statement that all parties agree to the new dates. *See* Trademark Rule 2.121(d).