

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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October 18, 2018

Proceeding No. 91235518

*Birds Eye Foods LLC*

v.

*Robert Wallace DBA Del Rio Vineyards, LLC*

### **MOTION TO EXTEND GRANTED**

#### **By the Trademark Trial and Appeal Board:**

*Birds Eye Foods LLC's* consented motion to extend, filed **Oct 18, 2018**, to extend for **30** is granted. Trademark Rule 2.127(a). Dates are reset as set out in the motion.

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

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final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).