

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

October 23, 2019

Opposition No. 91235909

Intercontinental Exchange Holdings, Inc.

v.

New York Mercantile Exchange, Inc.

Ellen Yowell, Paralegal Specialist:

Opposer's consent motion to extend filed October 18, 2019 is granted. Trademark Rule 2.127(a).

The proceeding schedule is reset in accordance with Opposer's motion, as follows:

Expert Disclosures Due	1/21/2020
Discovery Closes	2/20/2020
Plaintiff's Pretrial Disclosures Due	4/5/2020
Plaintiff's 30-day Trial Period Ends	5/20/2020
Defendant's Pretrial Disclosures Due	6/4/2020
Defendant's 30-day Trial Period Ends	7/19/2020
Plaintiff's Rebuttal Disclosures Due	8/3/2020
Plaintiff's 15-day Rebuttal Period Ends	9/2/2020
Plaintiff's Opening Brief Due	11/1/2020
Defendant's Brief Due	12/1/2020
Plaintiff's Reply Brief Due	12/16/2020
Request for Oral Hearing (optional) Due	12/26/2020

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, 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).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.¹ The Board will not extend or reset proceeding schedule dates or other deadlines to allow

¹ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

Opposition No. 91235909

time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.