

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

September 19, 2018

Opposition No. 91236481

*JC Hospitality LLC (substituted as party
plaintiff)*

v.

Pinnacle Entertainment, Inc.

Nicole Thier, Paralegal Specialist:

On September 17, 2018, Opposer filed a motion to substitute party with Applicant's written consent.

If the mark in an application or registration which is the subject matter of an *inter partes* proceeding before the Board is assigned, and the assignment is recorded in the Assignment Branch of the USPTO, the assignee may be substituted as a party if the assignment occurred prior to the commencement of the proceeding, or the assignor is no longer in existence, or the plaintiff raises no objection to substitution, or the discovery and testimony periods have closed; otherwise, the assignee will be joined, rather than substituted, to facilitate discovery. See TBMP § 512.01.

Opposer's pleaded mark was assigned to JC Hospitality LLC during this proceeding and such assignment was recorded with the Assignment Branch of the

Office on May 25, 2018 at Reel/Frame 6336/0854. Inasmuch as Applicant has consented to the request, JC Hospitality LLC is substituted as party Plaintiff.

Trial dates remain as previously set forth in the Board's September 10, 2018 order.

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).