

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
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October 22, 2018

Opposition No. 91236616

Patron Spirits International AG

v.

Clos Lachance Wines, LLC

Lalita Webb, Paralegal Specialist:

Opposer's consented motion filed October 15, 2018, to extend time for Applicant to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted.¹ Trademark Rule 2.127(a).

Due to the number of extensions/suspensions approved thus far in this proceeding, the Board imposes a condition on the approval of all future motions to suspend or extend for settlement. Specifically, to establish good cause for all future motions to suspend or extend, the parties must include in the motion a status report setting forth what specific efforts the parties have made towards settlement during

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).

the previous period of suspension. **The report must set forth, at a minimum:** (1) all dates on which the parties communicated, and the method of each communication (*e.g.* telephone conferences, emails, in-person meetings); (2) the general nature of each communication, (3) the issues that have been resolved; (4) the issues that remain to be resolved or that remain for trial; and (5) a proposed timetable for resolution of the remaining issues.

Answer is due **January 15, 2019**. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1).

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

Time to Answer	1/15/2019
Deadline for Discovery Conference	2/14/2019
Discovery Opens	2/14/2019
Initial Disclosures Due	3/16/2019
Expert Disclosures Due	7/14/2019
Discovery Closes	8/13/2019
Plaintiff's Pretrial Disclosures Due	9/27/2019
Plaintiff's 30-day Trial Period Ends	11/11/2019
Defendant's Pretrial Disclosures Due	11/26/2019
Defendant's 30-day Trial Period Ends	1/10/2020
Plaintiff's Rebuttal Disclosures Due	1/25/2020
Plaintiff's 15-day Rebuttal Period Ends	2/24/2020
Plaintiff's Opening Brief Due	4/24/2020
Defendant's Brief Due	5/24/2020
Plaintiff's Reply Brief Due	6/8/2020
Request for Oral Hearing (optional) Due	6/18/2020

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).