

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 22, 2019

Opposition No. 91236628

Multiplan, Inc.

v.

Multiplan USA Corporation

**Katie W. McKnight,
Interlocutory Attorney:**

On November 5, 2018, Applicant filed a proposed amendment to subject application Serial No. 87298752 without Applicant's consent. By the proposed amendment, Applicant seeks to amend the recitation of services in International Class 36 as follows (proposed amendment indicated in bold, underline):

From: Real estate funds investment services; Real estate investment services; Real estate management consultation; Real estate management services

To: Real estate funds investment services; Real estate investment services; Real estate management consultation; Real estate management services; **none of the foregoing for use in the healthcare industry.**

In keeping with Board practice, consideration of Applicant's unconsented motion to amend the recitation of services in its subject application is **deferred** until final decision. *See* Trademark Rule 2.133; *Embarcadero Tech., Inc. v. RStudio, Inc.*, 105

USPQ2d 1825, 1828 (TTAB 2009); *Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216, 1219 (TTAB 1990); TBMP § 514.03 (2018).

Trial dates are reset as follows:

Expert Disclosures Due	February 16, 2019
Discovery Closes	March 18, 2019
Plaintiff's Pretrial Disclosures Due	May 2, 2019
Plaintiff's 30-day Trial Period Ends	June 16, 2019
Defendant's Pretrial Disclosures Due	July 1, 2019
Defendant's 30-day Trial Period Ends	August 15, 2019
Plaintiff's Rebuttal Disclosures Due	August 30, 2019
Plaintiff's 15-day Rebuttal Period Ends	September 29, 2019
BRIEFS ARE DUE AS FOLLOWS:	
Plaintiff's Main Brief Due	November 28, 2019
Defendant's Main Brief Due	December 28, 2019
Plaintiff's Reply Brief Due	January 12, 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, 37 C.F.R. §§ 2.121 - 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), 37 C.F.R. §§ 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), 37 C.F.R. § 2.129(a).