

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

Mailed: February 26, 2018

Opposition No. 91237780

*Amplitude Studios*

*v.*

*Stardock Systems, Inc.*

**Nicole Thier, Paralegal Specialist:**

On February 22, 2018, Applicant filed an answer to the notice of opposition and a counterclaim to cancel Opposer's pleaded Registration(s) No. 4366504. Applicant submitted the required fee.

Opposer and counterclaim defendant, Amplitude Studios, is allowed until April 7, 2018 to file an answer to the counterclaim. *See* Trademark Rule 2.106(b)(3)(iii).

In accordance with the Trademark Rules of Practice, the parties' obligation to hold their discovery conference by the deadline stated in the prior order is stayed, and conferencing, disclosure, discovery and trial periods are reset as indicated below. *See* Trademark Rule 2.121(b)(2).

Answer to Counterclaim Due	April 7, 2018
Deadline for Discovery Conference	May 7, 2018
Discovery Opens	May 7, 2018
Initial Disclosures Due	June 6, 2018
Expert Disclosures Due	October 4, 2018
Discovery Closes	November 3, 2018

Plaintiff's Pretrial Disclosures	December 18, 2018
30-day testimony period for plaintiff's testimony to close	February 1, 2019
Defendant/Counterclaim Plaintiff's Pre-trial Disclosures	February 16, 2019
30-day testimony period for defendant and plaintiff in the counterclaim to close	April 2, 2019
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	April 17, 2019
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	June 1, 2019
Counterclaim Plaintiff's Rebuttal Disclosures Due	June 16, 2019
15-day rebuttal period for plaintiff in the counterclaim to close	July 16, 2019
Brief for plaintiff due	September 14, 2019
Brief for defendant and plaintiff in the counterclaim due	October 14, 2019
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	November 13, 2019
Reply brief, if any, for plaintiff in the counterclaim due	November 28, 2019

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. *See* Trademark Rule 2.121(d).

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).