

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

nmt

Mailed: May 9, 2018

Opposition No. 91237780

Amplitude Studios

v.

Stardock Systems, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On April 6, 2018, Opposer/Counterclaim-Defendant Amplitude Studios (“Amplitude”) filed a motion to dismiss the counterclaim against Registration No. 4366504. In response, Applicant/Counterclaim-Petitioner Stardock Systems, Inc. (“Stardock”), on April 26, 2018, timely filed an amended counterclaim. See Fed. R. Civ. P. 15(a)(1); Trademark Rules 2.107 and 115; TBMP § 507.01 (June 2017).

Stardock’s amended counterclaim was filed as a matter of course and is therefore accepted as the operative counterclaim in this proceeding. *See* Fed. R. Civ. P. 15(a)(1)(A) and (B). In view of the foregoing, Amplitude’s motion to dismiss is moot.

Conferencing, discovery and trial dates are reset as follows:

Answer to Counterclaim Due	June 9, 2018
Deadline for Discovery Conference	July 9, 2018
Discovery Opens	July 9, 2018
Initial Disclosures Due	August 8, 2018
Expert disclosures due	December 6, 2018

Discovery closes	January 5, 2019
Amplitude's pretrial disclosures as plaintiff in the opposition due	February 19, 2019
Amplitude's 30-day testimony period as plaintiff in the opposition to close	April 5, 2019
Stardock's pretrial Disclosures as defendant in the opposition and as plaintiff in the counterclaim due	April 20, 2019
Stardock's 30-day testimony period as defendant in the opposition and as plaintiff in the counterclaim to close	June 4, 2019
Amplitude's disclosures for rebuttal as plaintiff in the opposition and as defendant in the counterclaim due	June 19, 2019
Amplitude's 30-day testimony period for rebuttal as plaintiff in the opposition and as defendant in the counterclaim to close	August 3, 2019
Stardock's disclosures for rebuttal as plaintiff in the counterclaim due	August 18, 2019
Stardock's 15-day testimony period for rebuttal as plaintiff in the counterclaim to close	September 17, 2019
Brief for Amplitude as plaintiff in the opposition due	November 16, 2019
Brief for Stardock as defendant in the opposition and as plaintiff in the counterclaim due	December 16, 2019
Brief for Amplitude as defendant in the counterclaim and reply brief, if any, as plaintiff in the opposition due	January 15, 2020
Reply brief, if any, for Stardock as plaintiff in the counterclaim due	January 30, 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).