

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

LTS/dmd

January 21, 2020

Opposition No. 91238589

American Council on Exercise

v.

Health Care Fitness Integrations, LLC

Lawrence T. Stanley, Jr., Interlocutory Attorney:

The parties' stipulated motion to (1) withdraw Opposer's December 31, 2019 motion to extend, (2) suspend for settlement, and (3) reset dates is **granted**.¹

Because the parties are negotiating for a possible settlement of this case, and consistent with the parties' request, "other than the outstanding written discovery, and the depositions of Nick Brown and Mike Jones if rescheduled dates are not agreed upon" (30 TTABVUE 3), proceedings are **suspended** subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c) and 2.127(a); TBMP § 605.02 (2019).

¹ Opposer's substitution of counsel, filed January 3, 2020 (27 TTABVUE), and Opposer's change of correspondence address, filed January 17, 2020 (31 TTABVUE), are noted, and the Board's records have been updated accordingly. The Board further notes that, pursuant to the Board's December 19, 2019 order, Opposer filed an amended notice of opposition on January 8, 2020 (28 TTABVUE 21-80), and Applicant filed its answer to the amended notice of opposition on January 16, 2020 (29 TTABVUE).

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed. *See* Trademark Rule 2.18(b)(1).

In the event that there is no word from either party concerning the progress of their negotiations, **proceedings shall resume without further notice or order from the Board** upon the schedule requested by the parties in their stipulated motion, as set forth below.

Proceedings Resume: 3/2/2020

Discovery Closes	3/19/2020
Plaintiff's Pretrial Disclosures Due	5/19/2020
Plaintiff's 30-day Trial Period Ends	7/3/2020
Defendant's Pretrial Disclosures Due	7/18/2020
Defendant's 30-day Trial Period Ends	9/1/2020
Plaintiff's Rebuttal Disclosures Due	9/16/2020
Plaintiff's 15-day Rebuttal Period Ends	10/16/2020
Plaintiff's Opening Brief Due	12/15/2020
Defendant's Brief Due	1/14/2021
Plaintiff's Reply Brief Due	1/29/2021
Request for Oral Hearing (optional) Due	2/8/2021

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).