

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
TTAB Assistance Center: 571-272-8500
General Email: TTABInfo@uspto.gov

September 10, 2019

Opposition No. 91238728

Birds Eye Foods LLC

v.

Paris Croissant Co., Ltd.

Karl Kochersperger, Paralegal Specialist:

Opposer's consented motion, filed September 4, 2019, to extend disclosure, discovery, and trial dates is granted for good cause shown.¹ Trademark Rule 2.127(a). The parties are reminded that there is a continuing obligation to provide good cause in the form of progress reports for any further extension or suspension request.

Trial dates are reset in accordance with Opposer's motion, as follows:

Expert Disclosures Due	1/3/2020
Discovery Closes	2/2/2020
Plaintiff's Pretrial Disclosures Due	3/18/2020
Plaintiff's 30-day Trial Period Ends	5/2/2020
Defendant's Pretrial Disclosures Due	5/17/2020
Defendant's 30-day Trial Period Ends	7/1/2020
Plaintiff's Rebuttal Disclosures Due	7/16/2020

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).

Plaintiff's 15-day Rebuttal Period Ends	8/15/2020
Plaintiff's Opening Brief Due	10/14/2020
Defendant's Brief Due	11/13/2020
Plaintiff's Reply Brief Due	11/28/2020
Request for Oral Hearing (optional) Due	12/8/2020

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, matters in evidence, the manner and timing of taking testimony, 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).