

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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October 24, 2019

Opposition No. 91238961

Opposition No. 91239409

ONEDX, LLC

v.

Beckman Coulter, Inc.

By the Trademark Trial and Appeal Board:

Pursuant to the Board's January 17, 2019 order, 13 TTABVUE, Opposer's testimony period closed on October 19, 2019. October 19, 2019 was a Saturday; therefore, Opposer could have filed evidence and testimony as late as midnight ET/ 9 p.m. PT¹ on Monday, October 21, 2019. *See* Trademark Rule 2.196. Because Opposer's time for filing evidence and testimony had not lapsed when Applicant filed its motion to dismiss under Trademark Rule 2.132(a) for failure to prosecute, that motion to dismiss is premature and denied without prejudice on that basis.

Dates remain as last reset in the January 17, 2019 order.

¹ Eastern time controls filing dates in Board proceedings. *See* TBMP § 108 (2019).