

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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December 3, 2019

Opposition No. 91239992

*Lindsay Corporation*

*v.*

*Universal Motion Components Co., Inc.*

**Lalita Webb, Paralegal Specialist:**

Opposer's consented motion filed November 14, 2019, to suspend this proceeding is granted.<sup>1</sup> The parties' progress report on their settlement negotiations is noted. The parties should continue to update the Board with the current status of their settlement efforts, if further motion for extension or suspension is filed. Absent current progress reports, future motions for extension or suspension may be denied consideration, even if stipulated between the parties.

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<sup>1</sup> The parties are reminded that there is a continuing obligation to provide a report on the progress of the parties' settlement efforts to establish good cause for any further extension or suspension. Such report must include: a recitation of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time. *See* Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

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, upon conclusion of the suspension period, **proceedings shall resume without further notice or order from the Board**, upon the schedule set forth below.

Time to Answer	2/18/2020
Deadline for Discovery Conference	3/19/2020
Discovery Opens	3/19/2020
Initial Disclosures Due	4/18/2020
Expert Disclosures Due	8/16/2020
Discovery Closes	9/15/2020
Plaintiff's Pretrial Disclosures Due	10/30/2020
Plaintiff's 30-day Trial Period Ends	12/14/2020
Defendant's Pretrial Disclosures Due	12/29/2020
Defendant's 30-day Trial Period Ends	2/12/2021
Plaintiff's Rebuttal Disclosures Due	2/27/2021
Plaintiff's 15-day Rebuttal Period Ends	3/29/2021
Plaintiff's Opening Brief Due	5/28/2021
Defendant's Brief Due	6/27/2021
Plaintiff's Reply Brief Due	7/12/2021
Request for Oral Hearing (optional) Due	7/22/2021

Applicant is allowed until **February 18, 2020**, in which to answer the notice of opposition. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1).

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).