

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

EJW/vv

October 24, 2019

Opposition No. 91240132

The Arsenal Football Club plc

v.

UBM IP Luxembourg Sarl

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

In view of the explanation provided by Applicant in its consented motion (filed September 6, 2019) to suspend this proceeding for settlement, the Board finds good cause to suspend this proceeding.¹ Accordingly, Applicant's motion to suspend is **granted**, and this proceeding is **SUSPENDED** for 60 days from the date of filing of the subject motion. Said suspension is subject to the right of either party to request resumption at any time. See Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

¹ By order dated July 10, 2019, the parties were instructed not to use the ESTTA consent form to submit any subsequent consented motion to extend or suspend dates pending settlement discussions. The parties were instructed to file a written motion, accompanied with a detailed report of the parties' settlement efforts in order to demonstrate good cause for any future motion to extend or suspend. 17 TTABVUE 1. Applicant's consented motion (filed September 5, 2019), contrary to the Board's instruction, was filed utilizing ESTTA and it fails to include the required detailed information regarding the parties' settlement efforts. In view thereof, the September 5, 2019 consented motion will not be considered and is, in any event, moot.

Should the parties seek another suspension of this proceeding or extension of time for purposes of settlement, the previous requirement to submit a showing of good cause is **MAINTAINED**.² A showing of good cause must comprise a **detailed** status report regarding the progress of the parties' settlement negotiations, including when the last settlement proposal was sent, by whom, and when a response is expected, a recitation of the issues that have been resolved since the commencement of this proceeding, a list of issues that remain to be resolved, and a timetable for resolution. **In the future, a general description of the progress of the parties' settlement discussions, such as that included in the subject motion, will not be accepted.** Confidential information may be so designated and will be barred from public viewing.

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.³ *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.

² See Board orders mailed on April 9, 2019, and on July 10, 2019. 15 TTABVUE and 17 TTABVUE.

³ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1). Conferencing, disclosure, discovery, and trial dates are reset as follows:

Proceedings Resume: **11/5/2019**

Time to Answer	11/26/2019
Deadline for Discovery Conference	12/26/2019
Discovery Opens	12/26/2019
Initial Disclosures Due	1/25/2020
Expert Disclosures Due	5/24/2020
Discovery Closes	6/23/2020
Plaintiff's Pretrial Disclosures Due	8/7/2020
Plaintiff's 30-day Trial Period Ends	9/21/2020
Defendant's Pretrial Disclosures Due	10/6/2020
Defendant's 30-day Trial Period Ends	11/20/2020
Plaintiff's Rebuttal Disclosures Due	12/5/2020
Plaintiff's 15-day Rebuttal Period Ends	1/4/2021
Plaintiff's Opening Brief Due	3/5/2021
Defendant's Brief Due	4/4/2021
Plaintiff's Reply Brief Due	4/19/2021
Request for Oral Hearing (optional) Due	4/29/2021

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).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.⁴ The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

⁴ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.