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Filing date: **01/28/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |   |
|------------------------|---|
| Proceeding             | 91240198  |
| Party                  | Defendant<br>Fabryka Obrabiarek RAFAMET SpÅ³lka Akcyjna   |
| Correspondence Address | SZYMON M GURDA<br>CHERSKOV FLAYNIK & GURDA LLC<br>123 W MADISON STREET, SUITE 400<br>CHICAGO, IL 60602<br>UNITED STATES<br>mail@cherskov.com, sgurda@cherskov.com<br>312-621-1330 |
| Submission             | Other Motions/Papers  |
| Filer's Name           | Szymon M. gurda   |
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| Date                   | 01/28/2020  |
| Attachments            | Stipulation.pdf(80125 bytes )   |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

|                                 |   |                |                 |
|---------------------------------|---|----------------|-----------------|
| Poreba Machine Tool Company LLC | ) | Serial No.     | : 79/196,339    |
|                                 | ) | Date of Filing | : July 27, 2016 |
| Petitioner,                     | ) |                |                 |
|                                 | ) |                |                 |
|                                 | ) | Opposition No. | : 91240198      |
| v.                              | ) |                |                 |
|                                 | ) |                |                 |
|                                 | ) | Mark           | :POREBA 1798    |
|                                 | ) |                | and design      |
| Fabryka Obrabiarek RAFAMET S.A. | ) |                |                 |
|                                 | ) |                |                 |
| Applicant Respondent.           | ) |                |                 |

**STIPULATION TO USE DECLARATIONS**

In the preliminary disclosures dated January 3, 2020 the Applicant Fabryka Obrabiarek RAFAMET S.A. indicated that several of its witnesses are located abroad, mainly Mr. Wons and Mr. Sywak. Pursuant to customary TTAB procedures, evidence from such witnesses would be taken using Depositions Upon Written Questions, per 37 CFR § 2.124.

As the procedure would most likely delay the case and is cumbersome, the parties have agreed that evidentiary declarations will be used for the witnesses residing abroad. Attorney for the petitioner has stipulated to this use of Declarations, and any cross examination will take place by written questions per TBMP §703.01(b)

Extension of the applicant’s testimony period is therefore unnecessary beyond the February 18, 2020 deadline.

January 28, 2019  
Date

/Szymon M. Gurda/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing STIPULATION TO USE DECLARATIONS has been served on attorney for Petitioner Poreba Machine Tool Company LLC by forwarding said copy to:

MR. NICK MARSICO  
MR. ERIC J. MALNAR  
HUCK BOUMA PC  
1755 S NAPERVILLE ROAD #200  
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UNITED STATES

via e-mail to [nmarsico@huckbouma.com](mailto:nmarsico@huckbouma.com) and [emalnar@huckbouma.com](mailto:emalnar@huckbouma.com) on January 28, 2020.

/Szymon M. Gurda/  
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