

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

June 12, 2018

Opposition No. 91240810

Askov Holdings, LLC

v.

Our Life 2.5 LLC

Lalita Webb, Paralegal Specialist:

On June 4, 2018, Applicant filed an answer to the notice of opposition and a counterclaim to cancel Opposer's pleaded Registration(s) No. 5226141. Applicant submitted the required fee.¹

Opposer and counterclaim defendant, Askov Holdings, LLC, is allowed until thirty days from the mailing date of this order to file an answer to the counterclaim. *See* Trademark Rule 2.106(b)(3)(iii).

In accordance with the Trademark Rules of Practice, the parties' obligation to hold their discovery conference by the deadline stated in the prior order is stayed, and

¹ Applicant's appearance of counsel filed June 4, 2018, is noted and the Board records have been updated to reflect this change.

conferencing, disclosure, discovery and trial periods are reset as indicated below. *See* Trademark Rule 2.121(b)(2).

Answer to Counterclaim Due	July 12, 2018
Deadline for Discovery Conference	August 11, 2018
Discovery Opens	August 11, 2018
Initial Disclosures Due	September 10, 2018
Expert Disclosures Due	January 8, 2019
Discovery Closes	February 7, 2019
Plaintiff's Pretrial Disclosures	March 24, 2019
30-day testimony period for plaintiff's testimony to close	May 8, 2019
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	May 23, 2019
30-day testimony period for defendant and plaintiff in the counterclaim to close	July 7, 2019
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	July 22, 2019
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	September 5, 2019
Counterclaim Plaintiff's Rebuttal Disclosures Due	September 20, 2019
15-day rebuttal period for plaintiff in the counterclaim to close	October 20, 2019
Brief for plaintiff due	December 19, 2019
Brief for defendant and plaintiff in the counterclaim due	January 18, 2020
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	February 17, 2020
Reply brief, if any, for plaintiff in the counterclaim due	March 3, 2020

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. *See* Trademark Rule 2.121(d).

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).