

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

July 23, 2018

Opposition No. 91241186

Top Tobacco L.P.

v.

Fairmont Holdings, Inc.

Veronica P. White, Paralegal Specialist:

Pursuant to the Board's May 15, 2018, institution order, Applicant's answer to the notice of opposition was due by June 24, 2018. On July 4, 2018, the Board issued a notice of default to Applicant because no answer had been filed.

On July 5, 2018, Applicant filed a motion to set aside the Board's default notice and to accept its late-filed answer. Applicant submitted its answer on the same day.

Applicant's motion is **GRANTED** as conceded. Trademark Rule 2.127(a). In view thereof, the Board's July 4, 2018, default notice is hereby set aside and Applicant's answer filed on July 5, 2018 is noted and accepted.

Trial Schedule

Trial dates remain as previously set in the Board's institution order. For the convenience of the parties the schedule is copied below:

Deadline for Discovery Conference	7/24/2018
Discovery Opens	7/24/2018

Initial Disclosures Due	8/23/2018
Expert Disclosures Due	12/21/2018
Discovery Closes	1/20/2019
Plaintiff's Pretrial Disclosures Due	3/6/2019
Plaintiff's 30-day Trial Period Ends	4/20/2019
Defendant's Pretrial Disclosures Due	5/5/2019
Defendant's 30-day Trial Period Ends	6/19/2019
Plaintiff's Rebuttal Disclosures Due	7/4/2019
Plaintiff's 15-day Rebuttal Period Ends	8/3/2019
Plaintiff's Opening Brief Due	10/2/2019
Defendant's Brief Due	11/1/2019
Plaintiff's Reply Brief Due	11/16/2019
Request for Oral Hearing (optional) Due	11/26/2019

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, matters in evidence, the manner and timing of taking testimony, 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).