UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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EJW/lw

August 24, 2020

Opposition No. 91241569

Laverana GmbH & Co. KG

v.

Hello Aglow Inc

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

The Board notes Opposer's consent motions (filed June 3, 2020 and July 6, 2020, 20 TTABVUE and 21 TTABVUE) to extend the trial schedule of this proceeding for thirty days so that the parties may pursue settlement. The motion also requests that the Board reset all dates, including the discovery conference deadline. Applicant's consent motion (filed August 5, 2020, 22 TTABVUE) to extend the trial schedule for 30 days is also noted.

As discussed in the Board's order mailed May 5, 2020, 19 TTABVUE 1, while the Board is liberal in granting extensions of time and suspensions to accommodate settlement, after an answer has been filed, as in this case on January 10, 2020, 16 TTABVUE 8, the Board, as a rule, declines to extend the deadline for the parties to conduct the required discovery conference when the basis for the motion is the existence of settlement discussions. *See* TBMP § 509.01(a); *Boston Red Sox Baseball*

Club LP v. Chaveriat, 87 USPQ2d 1767, 1767 n.1 (TTAB 2008) ("It is unlikely the Board will find good cause for a motion to extend or suspend for settlement if the motion is filed after answer but prior to the discovery conference, precisely because the discovery conference itself provides an opportunity to discuss settlement.").

However, due to the unusual circumstances caused by the COVID-19 pandemic, Opposer's consented motions to extend are **GRANTED**. *See* Trademark Rule 2.127(a).

Additionally, although Applicant's consent motion to extend was completed incorrectly because it did not show the still pending date for the parties' mandatory discovery conference, said motion is also **GRANTED** to the extent that the discovery conference due date and subsequent trial dates shall be reset. *See id*.

NO FURTHER EXTENSIONS OF TIME (OR SUSPENSIONS OF THIS PROCEEDING) WILL BE GRANTED UNTIL AFTER THE DISCOVERY CONFERENCE IS CONDUCTED WITHOUT A SHOWING OF EXTRAORDINARY CIRCUMSTANCES.

The discovery conference, disclosure due dates, discovery and trial dates are reset as shown below:

Deadline for Discovery Conference	**9/4/2020**
Discovery Opens	**9/4/2020**
Initial Disclosures Due	**10/4/2020**
Expert Disclosures Due	**2/1/2021**
Discovery Closes	**3/3/2021**
Plaintiff's Pretrial Disclosures Due	**4/17/2021**

Plaintiff's 30-day Trial Period Ends	**6/1/2021**
Defendant's Pretrial Disclosures Due	**6/16/2021**
Defendant's 30-day Trial Period Ends	**7/31/2021**
Plaintiff's Rebuttal Disclosures Due	**8/15/2021**
Plaintiff's 15-day Rebuttal Period Ends	**9/14/2021**
Plaintiff's Opening Brief Due	**11/13/2021**
Defendant's Brief Due	**12/13/2021**
Plaintiff's Reply Brief Due	**12/28/2021**
Request for Oral Hearing (optional) Due	**1/7/2022**

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).