

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 31, 2019

Opposition No. 91242728 (parent)
Opposition No. 91242944

Louisiana Spirits, LLC

v.

Serio Southern Spirits, LLC

Geoffrey M. McNutt, Interlocutory Attorney:

Pursuant to Trademark Rule 2.120(a)(2)(i) and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) 401.01, Applicant contacted the Board by telephone and requested that a Board attorney participate in the parties’ telephonic discovery and settlement conference. The request is timely, and is granted. The Board attorney assigned to this case will participate in the conference on behalf of the Board.

The parties are directed to confer with one another and agree on a date and time for the conference, and then contact the assigned Board attorney to schedule the conference.

Finally, the Board notes that the consolidated case schedule set forth in the Board’s January 22, 2019, order, inadvertently omitted the date on which discovery opens and the deadline for initial disclosures. Accordingly, the case schedule is reset as shown below.

Deadline for Discovery Conference	3/4/2019
Discovery Opens	3/4/2019
Initial Disclosures Due	4/3/2019
Expert Disclosures Due	8/1/2019
Discovery Closes	8/31/2019
Plaintiff's Pretrial Disclosures Due	10/15/2019
Plaintiff's 30-day Trial Period Ends	11/29/2019
Defendant's Pretrial Disclosures Due	12/14/2019
Defendant's 30-day Trial Period Ends	1/28/2020
Plaintiff's Rebuttal Disclosures Due	2/12/2020
Plaintiff's 15-day Rebuttal Period Ends	3/13/2020
Plaintiff's Opening Brief Due	5/12/2020
Defendant's Brief Due	6/11/2020
Plaintiff's Reply Brief Due	6/26/2020
Request for Oral Hearing (optional) Due	7/6/2020

The Federal Rules of Evidence generally 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).