

UNITED STATES PATENT AND TRADEMARK OFFICE  
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April 23, 2019

Opposition No. 91243825

*Voyetra Turtle Beach, Inc.*

*v.*

*Argento SC By Sicura Inc.*

**Andrew P. Baxley, Interlocutory Attorney:**

On April 4, 2019, Applicant filed the parties' stipulation to the amendment of Applicant's application Serial No. 87800806 and the dismissal of the opposition upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods as follows (additions in bold):

From: Protective covers and cases for smartphones; Protective covers and cases for portable music players; Protective covers and cases for tablet computers; Ear buds; Wireless Ear buds; Ear phones; Headphones; Armbands, holders, clips and carrying cases specially adapted for personal electronic devices, namely, smartphones, portable music players and tablet computers; Audio speakers; Wireless indoor and outdoor speakers; Neon signs.

To: Protective covers and cases for smartphones; Protective covers and cases for portable music players; Protective covers and cases for tablet computers; Ear buds; Wireless Ear buds; Ear phones; Headphones; Armbands, holders, clips and carrying cases specially adapted for personal electronic devices, namely, smartphones, portable music players and tablet computers; Audio speakers;

Wireless indoor and outdoor speakers; Neon signs, **all of the foregoing goods expressly excluding gaming products.**

While the proposed amendment is acceptable on its face, it cannot be approved inasmuch as the involved application is also the subject of Opposition No. 91243737, wherein the Opposer is Godinger Silver Art, Ltd., and the consent of that Opposer has not been made of record. *See Vaughn Russell Candy Co. v. Cookies In Bloom, Inc.*, 47 USPQ2d 1635 (TTAB 1998). When a request to amend an application that is also the subject of other *inter partes* proceedings is filed, the consent of the other parties in each of those other proceedings must be of record before the amendment may be approved. Trademark Rule 2.133(a) and TBMP § 514.02 (2018).

In view thereof, proceedings herein are suspended until May 24, 2019, to allow Applicant time to obtain and submit the consent of all Opposers to the involved application, failing which this opposition will go forward on the application as published in accordance with the following schedule as reset:

Time to Answer	6/16/2019
Deadline for Discovery Conference	7/16/2019
Discovery Opens	7/16/2019
Initial Disclosures Due	8/15/2019
Expert Disclosures Due	12/13/2019
Discovery Closes	1/12/2020
Plaintiff's Pretrial Disclosures Due	2/26/2020
Plaintiff's 30-day Trial Period Ends	4/11/2020
Defendant's Pretrial Disclosures Due	4/26/2020
Defendant's 30-day Trial Period Ends	6/10/2020
Plaintiff's Rebuttal Disclosures Due	6/25/2020
Plaintiff's 15-day Rebuttal Period Ends	7/25/2020
Plaintiff's Opening Brief Due	9/23/2020

Defendant's Brief Due	10/23/2020
Plaintiff's Reply Brief Due	11/7/2020
Request for Oral Hearing (optional) Due	11/17/2020

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).