

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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December 10, 2020

Opposition No. 91245121

*Alzheimer's Disease and Related Disorders
Association*

v.

Alzheimer's New Jersey

**M. Catherine Faint,
Interlocutory Attorney:**

On December 10, 2020, the Board held a telephone conference involving Shima Roy, Atty., counsel for Alzheimer's Disease and Related Disorders Association (Applicant), and Lisa D. Taylor, Atty., counsel for Alzheimer's New Jersey (Opposer).

By way of background, Opposer timely filed on November 12, 2020 its notice of election to cross-examine Applicant's declarant Kevin Zaentz. By its order issued November 17, 2020, the Board granted the parties' consented motion to extend dates for Applicant's trial period and all remaining dates.

This case comes before the Board for consideration of two consented motions filed by the parties on December 1, 2020:

- 1) Opposer's consented motion to extend the due date for its Rebuttal Disclosures to January 9, 2021 and to reset all remaining dates; and

- 2) Applicant's consented motion to extend the period for taking the oral cross-examination testimony of witness Kenneth Zaentz outside of Opposer's rebuttal testimony period.

The parties state that they have met and conferred regarding the manner, place and date for Mr. Zaentz's oral cross-examination and have stipulated to the following:

- (i) taking the oral-cross examination of Mr. Zaentz by deposition through remote means (by Zoom or similar technology) on January 20, 2021;
- (ii) an extension of the period of time to conduct the oral-cross examination of Mr. Zaentz by deposition; and
- (iii) taking Mr. Zaentz's deposition for oral cross-examination prior to the start of Plaintiff's rebuttal trial testimony period on January 25, 2021.

The consented motions are **granted**.

Dates are reset in accordance with the stipulations as set out below:

Plaintiff's Rebuttal Disclosures Due	1/9/2021
Plaintiff's 15-day Rebuttal Period Ends	2/8/2021
Plaintiff's Opening Brief Due	4/9/2021
Defendant's Brief Due	5/9/2021
Plaintiff's Reply Brief Due	5/24/2021
Request for Oral Hearing (optional) Due	6/3/2021

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

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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).