

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
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September 3, 2019

Opposition No. 91246792

Growmark, Inc.

v.

Fiberstore Co., Limited

Debra A. Vitus, Lead Paralegal:

Applicant's consented motion filed August 27, 2019, to extend time to file its answer to the notice of opposition is granted.¹ Trademark Rule 2.127(a). An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1).

Accordingly, answer, conference, disclosure, discovery and trial dates, are reset as follows:

Time to Answer	12/12/2019
Deadline for Discovery Conference	1/11/2020
Discovery Opens	1/11/2020
Initial Disclosures Due	2/10/2020
Expert Disclosures Due	6/9/2020

¹ When parties stipulate to the rescheduling of a deadline for pretrial disclosures and subsequent testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of subsequent deadlines for pretrial disclosures and testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board through ESTTA, with the relevant dates set forth and an express statement that all parties agree to the new dates. Trademark Rule 2.121(d).

Discovery Closes	7/9/2020
Plaintiff's Pretrial Disclosures Due	8/23/2020
Plaintiff's 30-day Trial Period Ends	10/7/2020
Defendant's Pretrial Disclosures Due	10/22/2020
Defendant's 30-day Trial Period Ends	12/6/2020
Plaintiff's Rebuttal Disclosures Due	12/21/2020
Plaintiff's 15-day Rebuttal Period Ends	1/20/2021
Plaintiff's Opening Brief Due	3/21/2021
Defendant's Brief Due	4/20/2021
Plaintiff's Reply Brief Due	5/5/2021
Request for Oral Hearing (optional) Due	5/15/2021

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 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).²

² Applicant's July 16, 2019 appearance of counsel is noted.