

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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DUNN

May 30, 2019

Opposition No. 91247245

CRISPR Therapeutics AG

v.

Allogene Therapeutics, Inc.

Elizabeth A. Dunn, Administrative Trademark Judge:

On March 27, 2019, Opposer filed its notice of opposition. On May 6, 2019, Applicant filed a motion to dismiss for failure to state a claim upon which relief can be granted. *See* Fed. R. Civ. P. 12(b)(6). On May 28, 2019, Opposer filed an amended notice of opposition.

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier. *See* Trademark Rule 2.107(a)/2.115; TBMP § 507.01.

Opposer's amended notice of opposition was filed as a matter of course, and is accepted as Opposer's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(1)(A) and (B).

Accordingly, Applicant's motion to dismiss is moot and will be given no consideration.

Applicant is allowed until **thirty days from the date of this order** to file an answer to the amended notice of opposition.

Conference, discovery and trial dates are reset as follows:

Time to Answer	6/18/2019
Deadline for Discovery Conference	7/18/2019
Discovery Opens	7/18/2019
Initial Disclosures Due	8/17/2019
Expert Disclosures Due	12/15/2019
Discovery Closes	1/14/2020
Plaintiff's Pretrial Disclosures Due	2/28/2020
Plaintiff's 30-day Trial Period Ends	4/13/2020
Defendant's Pretrial Disclosures Due	4/28/2020
Defendant's 30-day Trial Period Ends	6/12/2020
Plaintiff's Rebuttal Disclosures Due	6/27/2020
Plaintiff's 15-day Rebuttal Period Ends	7/27/2020
Plaintiff's Opening Brief Due	9/25/2020
Defendant's Brief Due	10/25/2020
Plaintiff's Reply Brief Due	11/9/2020
Request for Oral Hearing (optional) Due	11/19/2020