

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

June 4, 2019

Opposition No. 91247399

Essential Products, Inc.

v.

Spigen, Inc.

Veronica P. White, Paralegal Specialist:

On May 13, 2019, Applicant filed a motion to dismiss under Fed. R. Civ. P. 12(b)(6). On June 3, 2019, Opposer filed a proposed amended notice of opposition. Because Opposer filed its amended notice of opposition within twenty-one days of service of Applicant's motion, Opposer's amended notice of opposition is accepted as a matter of course and is now Opposer's operative pleading. Fed. R. Civ. P. 15(a)(1)(B); TBMP § 507.01 (2018). Applicant's motion to dismiss, which is directed at the original notice of opposition is moot and will be given no further consideration.

Proceedings herein are resumed and dates are reset as follows:

Time to Answer Amended Notice of Opposition	7/4/2019
Deadline for Discovery Conference	8/3/2019
Discovery Opens	8/3/2019
Initial Disclosures Due	9/2/2019
Expert Disclosures Due	12/31/2019
Discovery Closes	1/30/2020
Plaintiff's Pretrial Disclosures Due	3/15/2020

Plaintiff's 30-day Trial Period Ends	4/29/2020
Defendant's Pretrial Disclosures Due	5/14/2020
Defendant's 30-day Trial Period Ends	6/28/2020
Plaintiff's Rebuttal Disclosures Due	7/13/2020
Plaintiff's 15-day Rebuttal Period Ends	8/12/2020
Plaintiff's Opening Brief Due	10/11/2020
Defendant's Brief Due	11/10/2020
Plaintiff's Reply Brief Due	11/25/2020
Request for Oral Hearing (optional) Due	12/5/2020

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, 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).