

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

JMM

September 9, 2019

Opposition No. 91248676

Gabriel Plaza

v.

Priority Design & Service, Inc.

Jill M. McCormack, Interlocutory Attorney:

Applicant's consented motion, filed August 29, 2019, to suspend for settlement is granted.¹ Trademark Rule 2.127(a).

However, the Board notes that proceedings were already suspended pending disposition of Applicant's motion to dismiss, filed July 17, 2019. (5 TTABVUE). In light of the parties' desire to suspend for settlement, Applicant's motion to dismiss is denied without prejudice as to Applicant's right to renew the motion, if necessary.²

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall

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).

² Upon resumption of the proceeding, the parties may request, in writing, that the Board take up Applicant's motion to dismiss on the already-filed submissions (4, 6 TTABVUE).

resume without further notice or order from the Board, upon the schedule set forth below.

Time to Answer	10/21/2019
Deadline for Discovery Conference	11/20/2019
Discovery Opens	11/20/2019
Initial Disclosures Due	12/20/2019
Expert Disclosures Due	4/18/2020
Discovery Closes	5/18/2020
Plaintiff's Pretrial Disclosures Due	7/2/2020
Plaintiff's 30-day Trial Period Ends	8/16/2020
Defendant's Pretrial Disclosures Due	8/31/2020
Defendant's 30-day Trial Period Ends	10/15/2020
Plaintiff's Rebuttal Disclosures Due	10/30/2020
Plaintiff's 15-day Rebuttal Period Ends	11/29/2020
Plaintiff's Opening Brief Due	1/28/2021
Defendant's Brief Due	2/27/2021
Plaintiff's Reply Brief Due	3/14/2021
Request for Oral Hearing (optional) Due	3/24/2021

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

Opposition No. 91248676

final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).