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

December 17, 2020

Opposition No. 91248891

FN Herstal SA

v.

DefendTex Pty Ltd

Chaunte Austin, Paralegal Specialist:

Applicant's consented motion filed December 15, 2020 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted.[1] Trademark Rule 2.127(a).

Inasmuch as the parties have provided the Board with an updated report of the parties settlement discussions as previously required, **the parties are reminded that there is a continuing obligation to provide good cause in the form of detailed progress reports for any further extension or suspension requests.**

[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).

Answer is due January 17, 2021. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1).

The conference, disclosure, discovery and trial dates are reset in accordance with Applicant's motion as follows:

Deadline for Discovery Conference	2/16/2021
Discovery Opens	2/16/2021
Initial Disclosures Due	3/18/2021
Expert Disclosures Due	7/16/2021
Discovery Closes	8/15/2021
Plaintiff's Pretrial Disclosures Due	9/29/2021
Plaintiff's 30-day Trial Period Ends	11/13/2021
Defendant's Pretrial Disclosures Due	11/28/2021
Defendant's 30-day Trial Period Ends	1/12/2022
Plaintiff's Rebuttal Disclosures Due	1/27/2022
Plaintiff's 15-day Rebuttal Period Ends	2/26/2022
Plaintiff's Opening Brief Due	4/27/2022
Defendant's Brief Due	5/27/2022
Plaintiff's Reply Brief Due	6/11/2022
Request for Oral Hearing (optional) Due	6/21/2022

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).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.[2] The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the ESTTA help webpage.

[2] To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.