

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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RSC/Elgin

April 6, 2020

Opposition No. 91248904

*Dlive22891 Corp.*

*v.*

*DLive Media Group Ltd. (substituted by  
assignment from DLive Inc.)*

**Rebecca Stempien Coyle, Interlocutory Attorney:**

Now before the Board are Applicant's February 19, 2020, consented motion to substitute DLive Media Group Ltd. for DLive Inc. as the defendant in this proceeding, and its March 24, 2020, consented motion to extend deadlines in this proceeding.

The assignment of subject Application Serial No. 88228476, effective February 6, 2020, was recorded with the Assignment Recordation Branch of the USPTO on February 18, 2020 at Reel/Frame 6866/0502. When there has been an assignment of a mark that is the subject of, or relied upon in, an inter partes proceeding before the Board, the assignee may be joined or substituted, as may be appropriate. The assignee may be substituted as a party if the opposing party raises no objections to substitution. *See* TBMP § 512.01.

Inasmuch as Opposer has consented to substitution, the motion to substitute DLive Media Group Ltd. for DLive Inc. as the defendant in this proceeding is granted, and the Board's records and the caption have been updated accordingly. *See* Trademark Rule 2.127(a).

Additionally, Applicant's consented motion to extend discovery and trial dates is granted. Trademark Rule 2.127(a).

Remaining discovery and trial dates are reset in accordance with Applicant's consented motion as follows:

Expert Disclosures Due	7/23/2020
Discovery Closes	8/22/2020
Plaintiff's Pretrial Disclosures Due	10/6/2020
Plaintiff's 30-day Trial Period Ends	11/20/2020
Defendant's Pretrial Disclosures Due	12/5/2020
Defendant's 30-day Trial Period Ends	1/19/2021
Plaintiff's Rebuttal Disclosures Due	2/3/2021
Plaintiff's 15-day Rebuttal Period Ends	3/5/2021
Plaintiff's Opening Brief Due	5/4/2021
Defendant's Brief Due	6/3/2021
Plaintiff's Reply Brief Due	6/18/2021
Request for Oral Hearing (optional) Due	6/28/2021

The Federal Rules of Evidence generally 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).