

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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ey/kb/mbm

October 2, 2020

Opposition No. 91241675 (parent case)  
Opposition No. 91247771  
Opposition No. 91249768

*DSM IP Assets B.V.*

*v.*

*Neurohacker Collective, LLC*

**Mary Beth Myles, Interlocutory Attorney:**

The Board notes that the prior order dated October 2, 2020 inadvertently omitted dates in the schedule for the counterclaims. Accordingly, the proceeding schedule is reset, as follows:<sup>1</sup>

<b>Deadline for Discovery Conference</b>	<b>10/30/2020</b>
<b>Discovery Opens</b>	<b>10/30/2020</b>
<b>Initial Disclosures Due</b>	<b>11/29/2020</b>
<b>Expert Disclosures Due</b>	<b>3/29/2021</b>
<b>Discovery Closes</b>	<b>4/28/2021</b>
<b>Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim</b>	<b>6/12/2021</b>
<b>30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim</b>	<b>7/27/2021</b>
<b>Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim</b>	<b>8/11/2021</b>

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<sup>1</sup> The remainder of the prior order remains unchanged.

<b>30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim</b>	<b>9/25/2021</b>
<b>Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim</b>	<b>10/10/2021</b>
<b>30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim</b>	<b>11/24/2021</b>
<b>Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim</b>	<b>12/9/2021</b>
<b>15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim</b>	<b>1/8/2022</b>
<b>Opening Brief for Party in Position of Plaintiff in Original Claim Due</b>	<b>3/9/2022</b>
<b>Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due</b>	<b>4/8/2022</b>
<b>Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due</b>	<b>5/8/2022</b>
<b>Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due</b>	<b>5/23/2022</b>
<b>Request for Oral Hearing (optional) Due</b>	<b>6/2/2022</b>

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, matters in evidence, the manner and timing of taking testimony, 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.<sup>2</sup> 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.

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<sup>2</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.