

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](mailto:TTABInfo@uspto.gov)

January 14, 2021

Opposition No. 91251518

*Eleven IP Holdings, LLC*

*v.*

*HFIN One, LLC*

**Ellen Yowell, Paralegal Specialist:**

On December 15, 2020, Opposer/Counterclaim-Defendant filed a consented motion to extend all dates, including the discovery conference deadline, for the parties to pursue settlement.

While the Board is liberal in granting extensions of time to accommodate settlement, after an answer has been filed, the Board is unlikely to find good cause for a motion, even upon consent or stipulation, to extend the deadline for the parties to conduct the required discovery conference when the basis for the motion is the existence of settlement discussions. *See* TBMP § 509.01(a); *Boston Red Sox Baseball Club LP v. Chaveriat*, 87 USPQ2d 1767, 1767 n.1 (TTAB 2008) (“It is unlikely the Board will find good cause for a motion to extend or suspend for settlement if the motion is filed after answer but prior to the discovery conference, precisely because the discovery conference itself provides an opportunity to discuss settlement.”).

Inasmuch as the motion to extend was filed after the answer, but prior to the parties' discovery conference deadline, the Board does not find good cause to extend. Accordingly, said motion is **denied**. The parties are expected to proceed to conduct the required discovery conference without delay.

The Board, in its discretion, resets disclosure, discovery, and trial dates, as follows.

Initial Disclosures Due	2/14/2021
Expert Disclosures Due	6/14/2021
Discovery Closes	7/14/2021
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	8/28/2021
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	10/12/2021
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	10/27/2021
30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	12/11/2021
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	12/26/2021
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	2/9/2022
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	2/24/2022
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	3/26/2022
Opening Brief for Party in Position of Plaintiff in Original Claim Due	5/25/2022
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	6/24/2022
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	7/24/2022
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	8/8/2022
Request for Oral Hearing (optional) Due	8/18/2022

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, 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>1</sup> The Board will not extend or reset proceeding schedule dates or other deadlines to allow

---

<sup>1</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

Opposition No. 91251518

time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.