

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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June 26, 2020

Opposition No. 91251601

American Airlines, Inc.

v.

HSP EPI Acquisition, LLC

Geoffrey M. McNutt, Interlocutory Attorney:

This case comes up for consideration of Opposer's March 23, 2020, motion to suspend proceedings, including its time for responding to Applicant's discovery requests. The motion is fully briefed.

In its motion, Opposer maintains that suspension is appropriate in view of the ongoing COVID-19 pandemic. Opposer maintains, inter alia, that it is functioning on a skeletal workforce, including its legal department; Opposer is focused on crisis management, specifically compliance with directives from federal and local health officials; and Opposer's access to its business and marketing teams is "nonexistent for the foreseeable future."¹ In response, Applicant argues that Opposer has not set forth sufficient facts constituting good cause for the requested suspension, and that

¹ 10 TTABVUE 3-4.

suspension of this proceeding would be prejudice to Applicant's interest in a prompt resolution of the case.²

Applicant's arguments are not well-taken. The Board is cognizant of the difficulties created by the COVID-19 pandemic, and is employing a reasonable approach in addressing scheduling issues resulting from the pandemic. Opposer's statements that it is operating with a reduced legal department and that its access to its business and marketing teams is "nonexistent for the foreseeable future" is sufficient to establish good cause for the requested suspension.

Accordingly, Opposer's motion to suspend is **granted**. Proceedings are suspended until **September 23, 2020**, and will resume automatically, without further order or notice from the Board, on the schedule set forth below. Opposer's responses to Applicant's discovery request also are due by September 23, 2020.

In view of this order, Applicant's motion for summary judgment, which was filed after the motion to suspend, is **denied without prejudice**.

Expert Disclosures Due	1/2/2021
Discovery Closes	2/1/2021
Plaintiff's Pretrial Disclosures Due	3/18/2021
Plaintiff's 30-day Trial Period Ends	5/2/2021
Defendant's Pretrial Disclosures Due	5/17/2021
Defendant's 30-day Trial Period Ends	7/1/2021
Plaintiff's Rebuttal Disclosures Due	7/16/2021
Plaintiff's 15-day Rebuttal Period Ends	8/15/2021
Plaintiff's Opening Brief Due	10/14/2021
Defendant's Brief Due	11/13/2021
Plaintiff's Reply Brief Due	11/28/2021
Request for Oral Hearing (optional) Due	12/8/2021

² 11 TTABVUE.

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).