

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 13, 2019

Opposition No. 91251601

American Airlines, Inc.

v.

HSP EPI Acquisition, LLC

Geoffrey M. McNutt, Interlocutory Attorney:

Opposer's request for Board participation in the parties' discovery and settlement conference is **granted**.

The Board will contact the parties via email to schedule the conference.

Settlement is a required topic of the conference, so both parties must be prepared to discuss settlement. The parties are advised, however, that the Board does not take an active role in settlement negotiations. The parties' settlement discussions will occur after the Board's role in the conference has ended.

During the conference, the Board will discuss the possibility of conducting this case pursuant to the Board's Accelerated Case Resolution ("ACR") process. Therefore, in advance of the conference the parties should review TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) Sections 528.05(a)(2), 702.04, and 705 (2019).

ACR is an alternative to typical Board inter partes proceedings with full discovery, trial, and briefing. The form of ACR can vary, but the typical ACR process approximates a motion (or cross-motions) for summary judgment and accompanying evidentiary submissions that the parties agree to submit in lieu of creating a traditional trial record and traditional briefs at final hearing. Under the summary judgment model of ACR, the parties **must** stipulate that the Board may resolve any genuine disputes of material fact it may find to exist and render a final decision based on the ACR record and briefs. *See* TBMP § 702.04(b). Parties to ACR typically agree to other efficiencies, such stipulations regarding shortened discovery and the introduction of evidence.

The standards of proof in an ACR proceeding are the same as the standards of proof in a traditional Board proceeding. The burden of proof remains with the Opposer to prove its case by a preponderance of the evidence. *See* TBMP §§ 528.05(a)(2) and 702.04(a). A final decision rendered under ACR may be appealed in the same manner and under the same time frames as non-ACR decisions by the Board. *Id.*

For examples of ACR stipulations agreed to by parties in other cases, the parties can review the Board order in Cancellation No. 92072270, at 7 TTABVUE 7–11, and the amended ACR stipulation filed by the parties in Opposition No. 91247956, at 15 TTABVUE.

Dates remain as set in the Board’s October 15, 2019, institution and trial order.