

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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RK/ra

January 28, 2020

Opposition No. **91252614**

*Wilbur-Ellis Company LLC*

*v.*

*VALAGRO S.p.A.*

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On December 23, 2019, Applicant filed a proposed amendment to **Application Serial No. 88297217** with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 1 as follows (amendment in bold type):

**From:** Fertilizers for agriculture; in International Class 1.

**To:** Fertilizers for agriculture, **namely, fertilizers based on micronutrients with seaweed extracts**; in International Class 1.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

If this resolves the dispute herein, Opposer is allowed until **FEBRUARY 24, 2020**, to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended in accordance with the following schedule:

Time to Answer	<b>3/12/2020</b>
Deadline for Discovery Conference	<b>4/11/2020</b>
Discovery Opens	<b>4/11/2020</b>
Initial Disclosures Due	<b>5/11/2020</b>
Expert Disclosures Due	<b>9/8/2020</b>
Discovery Closes	<b>10/8/2020</b>
Plaintiff's Pretrial Disclosures Due	<b>11/22/2020</b>
Plaintiff's 30-day Trial Period Ends	<b>1/6/2021</b>
Defendant's Pretrial Disclosures Due	<b>1/21/2021</b>
Defendant's 30-day Trial Period Ends	<b>3/7/2021</b>
Plaintiff's Rebuttal Disclosures Due	<b>3/22/2021</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>4/21/2021</b>
Plaintiff's Opening Brief Due	<b>6/20/2021</b>
Defendant's Brief Due	<b>7/20/2021</b>
Plaintiff's Reply Brief Due	<b>8/4/2021</b>
Request for Oral Hearing (optional) Due	<b>8/14/2021</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).

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