

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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June 24, 2021

Opposition No. 91252843 (Parent case)  
Opposition No. 91256316

*American Licorice Company*<sup>1</sup>

*v.*

*Gerrit's Brands, Inc.*

**Rochelle Adams, Paralegal Specialist:**

On September 2, 2021, the Board notice of default with respect to no answer having been filed in the child case Opposition No. 91256316. On September 8, 2021, Applicant filed its response to the notice of default along with its answer for the child case, and a change of address. The response was uncontested, so in view thereof the motion is hereby accepted and Applicant's answer filed on September 8, 2020 is now of record for the child case. The Board regrets the delay in acting on this matter.

Opposer's consented motions, filed February 26, 2021 and April 28, 2021, to extend disclosure, discovery, and trial dates are hereby granted.<sup>2</sup> Trademark Rule 2.127(a).

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<sup>1</sup> Opposer's change of address filed on February 26, 2021 is noted and the records were updated.

<sup>2</sup> When parties stipulate to the rescheduling of a deadline for pretrial disclosures and subsequent testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of subsequent deadlines for pretrial disclosures and testimony periods, a

Trial dates are reset in accordance with Opposer's most recent motion, as follows:

Discovery Closes	7/3/2021
Plaintiff's Pretrial Disclosures Due	8/17/2021
Plaintiff's 30-day Trial Period Ends	10/1/2021
Defendant's Pretrial Disclosures Due	10/16/2021
Defendant's 30-day Trial Period Ends	11/30/2021
Plaintiff's Rebuttal Disclosures Due	12/15/2021
Plaintiff's 15-day Rebuttal Period Ends	1/14/2022
Plaintiff's Opening Brief Due	3/15/2022
Defendant's Brief Due	4/14/2022
Plaintiff's Reply Brief Due	4/29/2022
Request for Oral Hearing (optional) Due	5/9/2022

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).

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stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board through ESTTA, with the relevant dates set forth and an express statement that all parties agree to the new dates. Trademark Rule 2.121(d).

### **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>3</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>3</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.