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

August 18, 2021

Opposition No. 91254418

NetScout Systems, Inc.

v.

Skout Secure Intelligence LLC

Veronica P. White, Lead Paralegal Specialist:

The parties' stipulated motion, filed August 16, 2021, to further suspend this proceeding for 60-days is granted for good cause shown.

Because the parties are continuing to negotiate for a possible settlement of this case, proceedings remain suspended, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

The parties are reminded that in the event that either party files a motion to extend or suspend any of these dates, they remain under obligation to support any such motion with a detailed report of the reasons therefor, including details of settlement efforts. **Absent such a report, any future motion to extend or suspend may be denied, even if agreed to by the parties**.

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed.[1] *See* Trademark Rule 2.18(b)(1).

In the event that there is no word from either party concerning the progress of their negotiations, **proceedings shall resume without further notice or order from the Board**, upon the schedule set forth below.

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1). Conferencing, disclosure, discovery, and trial dates are reset as follows:

Time to Answer	10/13/2021
Deadline for Discovery Conference	11/12/2021
Discovery Opens	11/12/2021
Initial Disclosures Due	12/12/2021
Expert Disclosures Due	4/11/2022
Discovery Closes	5/11/2022
Plaintiff's Pretrial Disclosures Due	6/25/2022
Plaintiff's 30-day Trial Period Ends	8/9/2022
Defendant's Pretrial Disclosures Due	8/24/2022
Defendant's 30-day Trial Period Ends	10/8/2022
Plaintiff's Rebuttal Disclosures Due	10/23/2022
Plaintiff's 15-day Rebuttal Period Ends	11/22/2022
Plaintiff's Opening Brief Due	1/21/2023
Defendant's Brief Due	2/20/2023
Plaintiff's Reply Brief Due	3/7/2023
Request for Oral Hearing (optional) Due	3/17/2023

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

[1] If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.

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).

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.[2] The Board will not extend or reset proceeding schedule dates or other deadlines to allow

[2] To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

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