

ESTTA Tracking number: **ESTTA1150475**

Filing date: **08/02/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91255001
Party	Defendant JRM, Inc.
Correspondence Address	BLAKE P HURT TUGGLE DUGGINS PA 100 N. GREENE STREET SUITE 600 GREENSBORO, NC 27401 UNITED STATES Primary Email: bhurt@tuggleduggins.com Secondary Email(s): afelts@tuggleduggins.com, pdillon@tuggleduggins.com, afelts@tuggleduggins.com 336-271-5229
Submission	Other Motions/Submissions
Filer's Name	Alan B Felts
Filer's email	afelts@tuggleduggins.com
Signature	/Alan B Felts/
Date	08/02/2021
Attachments	8-2-21 - Joint Stipulation as to ACR.pdf(49613 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Trigon Turf Sciences, LLC

Opposer,

v.

JRM, Inc.,

Applicant.

Opposition No. 91255001

Serial No. 88649876

Mark: SAMURAI TINE

STIPULATION AS TO USE OF ACCELERATED CASE RESOLUTION

Opposer Trigon Turf Sciences, LLC (“Opposer”) and Applicant JRM, Inc. (“Applicant”) hereby stipulate to final disposition of this proceeding on the merits via Accelerated Case Resolution (“ACR”) subject to the approval of the Trademark Trial and Appeal Board (“Board”). The parties have further agreed to the following in connection with the implementation of ACR to this proceeding.

1. The parties agree to an ACR proceeding using a summary bench trial procedure through cross motions for summary judgment and accompanying summary judgment briefs. The parties agree that, in lieu of trial, the Board may resolve all issues of material fact that may be presented in making a final determination on the merits on the papers presented.

2. The parties stipulate that as of the date of this stipulation, both parties have propounded outstanding written discovery requests to the other party and that such written discovery shall be responded to under the normal deadlines pursuant to corresponding Federal Rules of Civil Procedure and TBMP Rules.

3. The parties stipulate that no further written discovery requests shall be propounded and that neither party shall take depositions of the other party or such party's employees or agents.

4. Testimony may be presented through affidavit or declaration, and through any exhibits referenced by the affiants or declarants. The parties may submit as attachments or exhibits to their affidavits, declarations, or briefs any materials that, in a typical trial, could be submitted by Notice of Reliance.

5. Neither party will object as to the authenticity of admissibility of the affidavits, declarations, documents, and exhibits so long as the declarant or affiant establishes that he or she has knowledge of the facts presented. Notwithstanding the foregoing, the parties retain their rights to make any challenge to the admissibility based on a hearsay objection if applicable.

6. Discovery responses and documents produced in discovery may be submitted as exhibits without the need for accompanying testimony, but the parties may still contest the relevancy, materiality or weight of the evidence. The parties agree that all documents produced in response to a Request for Production of Documents shall be deemed authentic business records.

7. Opposer has offered expert testimony in the form of a report from Dr. Michael Wert served on May 11, 2021. Applicant stipulates that it shall not object to Dr. Wert's status as an expert or to the admission of his report.

8. Applicant has offered expert testimony in the form of a report from Dr. Robert Hellyer served on July 13, 2021. Opposer stipulates that it shall not object to Dr. Hellyer's status as an expert or to the admission of his report.

9. Discovery shall be completed by August 15, 2021.

10. Opposer and Applicant shall file their Opening Briefs in the form of cross motions for summary judgment no later than September 1, 2021.

11. Opposer and Applicant shall file Response Briefs to the Opening Briefs no later than October 1, 2021. The Response Briefs shall be limited to rebuttal of the other party's case in chief made in the Opening Briefs. Neither party shall file a reply brief to any Response Brief.

12. The parties waive oral argument following submission of their briefs.

13. The parties advise the Board that they have conducted the Initial Discovery Conference and have exchanged Initial Disclosures.

14. The parties respectfully request that the TTAB approve and adopt the ACR procedure and proposed schedule set forth above.

Respectfully submitted, this the 2nd day of August, 2021.

/Alan B. Felts/

Blake P. Hurt
Alan B. Felts
Tuggle Duggins P.A.
400 Bellemeade Street, Suite 800
Greensboro, NC 27401
336-378-1431
bhurt@tuggleduggins.com
afelts@tuggleduggins.com
Attorneys for Applicant

/Joseph A Uradnik/

Joseph A. Uradnik
Uradnik Law Firm PC
P.O. Box 525
Grand Rapids, MN 55744
(612) 865-9449
joe@iplawspot.com
Attorney for Opposer