

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

December 8, 2020

Opposition No. **91256366**

Masonite Corporation

v.

Glass Processing Solutions, LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

On November 12, 2020, Applicant filed a proposed amendment to **Application Serial No. 88467736**,¹ with Opposer's consent.²

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 19 as follows (additions bolded):

From: Glass powder, namely, glass pozzolan for use in concrete mixes for high-strength concrete applications; in International Class 19.

To: Glass powder, namely, glass pozzolan for use in concrete mixes for high-strength concrete applications, **excluding doors, door facings and door components**; in International Class 19.

¹ The application is also the subject of Opposition No. 91256360 wherein the opposer is Masonite International Corporation. The same amendment was proposed therein and consented to by Masonite International Corporation.

² Applicant's filing fails to indicate proof of service on Opposer as required by Trademark Rule 2.119. In order to expedite this matter, Opposer is referred to <https://ttabvue.uspto.gov/ttabvue/v?pno=91256366&pty=OPP&eno=9> to view and obtain a copy of the filing.

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 **JANUARY 7, 2021**, 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:

Initial Disclosures Due	1/19/2021
Expert Disclosures Due	5/19/2021
Discovery Closes	6/18/2021
Plaintiff's Pretrial Disclosures Due	8/2/2021
Plaintiff's 30-day Trial Period Ends	9/16/2021
Defendant's Pretrial Disclosures Due	10/1/2021
Defendant's 30-day Trial Period Ends	11/15/2021
Plaintiff's Rebuttal Disclosures Due	11/30/2021
Plaintiff's 15-day Rebuttal Period Ends	12/30/2021
Plaintiff's Opening Brief Due	2/28/2022
Defendant's Brief Due	3/30/2022
Plaintiff's Reply Brief Due	4/14/2022
Request for Oral Hearing (optional) Due	4/24/2022

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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