

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

October 27, 2020

Opposition No. 91263673

Promotion in Motion, Inc.

v.

Swahili Market LLC

Veronica P. White, Lead Paralegal Specialist:

On August 20, 2020, the Board suspended proceedings and allowed Opposer's attorney time to provide the bar information required by Trademark Rule 2.17(b)(3). The Board notes that Opposer's counsel filed the required information by using the Change of Address form in ESTTA.¹ The information has been updated in the Board's proceeding file.

Proceedings are resumed. Accordingly, conferencing, disclosure, discovery and trial dates, are reset as follows:

Deadline for Discovery Conference	11/26/2020
Discovery Opens	11/26/2020
Initial Disclosures Due	12/26/2020
Expert Disclosures Due	4/25/2021
Discovery Closes	5/25/2021
Plaintiff's Pretrial Disclosures Due	7/9/2021
Plaintiff's 30-day Trial Period Ends	8/23/2021
Defendant's Pretrial Disclosures Due	9/7/2021

¹ The bar membership information entered on the ESTTA Change of Address form is masked in TTABVUE.

Defendant's 30-day Trial Period Ends	10/22/2021
Plaintiff's Rebuttal Disclosures Due	11/6/2021
Plaintiff's 15-day Rebuttal Period Ends	12/6/2021
Plaintiff's Opening Brief Due	2/4/2022
Defendant's Brief Due	3/6/2022
Plaintiff's Reply Brief Due	3/21/2022
Request for Oral Hearing (optional) Due	3/31/2022

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).

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

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