

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

Baxley

November 20, 2020

Opposition No. 91263782

Lonza Consumer Health Inc.

v.

JHO Intellectual Property Holdings LLC

By the Trademark Trial and Appeal Board:

Opposer's motion (filed October 9, 2020) to dismiss Applicant's counterclaim for failure to state a claim under Fed. R. Civ. P. 12(b)(6) is granted as conceded and as well-taken. *See* Trademark Rule 2.127(a). The counterclaim is dismissed with prejudice. *See* Trademark Rule 2.114(c).

Proceedings are resumed. Dates are reset as follows.

Deadline for Discovery Conference	12/19/2020
Discovery Opens	12/19/2020
Initial Disclosures Due	1/18/2021
Expert Disclosures Due	5/18/2021
Discovery Closes	6/17/2021
Plaintiff's Pretrial Disclosures Due	8/1/2021
Plaintiff's 30-day Trial Period Ends	9/15/2021
Defendant's Pretrial Disclosures Due	9/30/2021
Defendant's 30-day Trial Period Ends	11/14/2021
Plaintiff's Rebuttal Disclosures Due	11/29/2021
Plaintiff's 15-day Rebuttal Period Ends	12/29/2021
Plaintiff's Opening Brief Due	2/27/2022
Defendant's Brief Due	3/29/2022

Plaintiff's Reply Brief Due 4/13/2022
Request for Oral Hearing (optional) Due 4/23/2022

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, 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).