

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

WDJ/DMD

July 26, 2022

Opposition 91266044

Joma Sport, S.A.

v.

Maxbike, Inc.

Michael Webster, Managing Interlocutory Attorney:

On March 4, 2022, Opposer filed an amended notice of opposition and motion in support thereof. Applicant did not file a brief in response thereto within the time provided under Trademark Rule 2.127(a). Applicant has not consented to the amendment.

Pursuant to Fed. R. Civ. P. 15(a)(2), made applicable to Board proceedings by Trademark Rule 2.116(a), once the defendant has filed its answer, a party may amend its pleading only by written consent of every adverse party or by leave of the Board; and leave must be freely given when justice so requires. In view thereof, the Board liberally grants leave to amend pleadings at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. This is so even when a

plaintiff seeks to amend its complaint to plead a claim other than those stated in the original complaint. TBMP §507.02.

In view of the foregoing, Opposer's motion is **granted**. Applicant is allowed until **August 21, 2022** to file an answer to the amended notice of opposition.

Conferencing, discovery and trial dates are reset as follows:

Time to Answer	8/21/2022
Deadline for Discovery Conference	9/20/2022
Discovery Opens	9/20/2022
Initial Disclosures Due	10/20/2022
Expert Disclosures Due	2/17/2023
Discovery Closes	3/19/2023
Plaintiff's Pretrial Disclosures Due	5/3/2023
Plaintiff's 30-day Trial Period Ends	6/17/2023
Defendant's Pretrial Disclosures Due	7/2/2023
Defendant's 30-day Trial Period Ends	8/16/2023
Plaintiff's Rebuttal Disclosures Due	8/31/2023
Plaintiff's 15-day Rebuttal Period Ends	9/30/2023
Plaintiff's Opening Brief Due	11/29/2023
Defendant's Brief Due	12/29/2023
Plaintiff's Reply Brief Due	1/13/2024
Request for Oral Hearing (optional) Due	1/23/2024

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).