

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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AM/wbc

February 25, 2021

Opposition No. 91266257

Nani Swimwear Inc.

v.

Khangri Sourcing

By the Trademark Trial and Appeal Board:

On January 21, 2021, the Board issued a notice of default against Applicant, pursuant to Fed. R. Civ. P. 55(a), for its failure to file either an answer to the notice of opposition, or a motion to extend the time to file said answer. On January 25, 2021, Applicant filed its late answer to the notice of opposition, as well as a response to the Board's notice of default and show cause order.

Inasmuch as the record does not persuade the Board that Applicant acted in bad faith or for the purpose of delay or with a lack of diligence and because Applicant has filed an answer contemporaneously with its response, the Board's January 21, 2021 notice of default is set aside and any resulting default is discharged. *See* TBMP § 312.02 (2020). Applicant's answer to the notice of opposition is its operative pleading in this proceeding. *See* 6 TTABVUE.

Schedule

Proceedings herein are resumed, and conference, discovery, disclosure and trial dates are reset as follows:

Deadline for Discovery Conference	3/26/2021
Discovery Opens	3/26/2021
Initial Disclosures Due	4/25/2021
Expert Disclosures Due	8/23/2021
Discovery Closes	9/22/2021
Plaintiff's Pretrial Disclosures Due	11/6/2021
Plaintiff's 30-day Trial Period Ends	12/21/2021
Defendant's Pretrial Disclosures Due	1/5/2022
Defendant's 30-day Trial Period Ends	2/19/2022
Plaintiff's Rebuttal Disclosures Due	3/6/2022
Plaintiff's 15-day Rebuttal Period Ends	4/5/2022
Plaintiff's Opening Brief Due	6/4/2022
Defendant's Brief Due	7/4/2022
Plaintiff's Reply Brief Due	7/19/2022
Request for Oral Hearing (optional) Due	7/29/2022

General Information

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.¹ 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.

¹ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.