

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

RK/am

January 18, 2022

Opposition No. **91266358**

Abercrombie & Fitch Trading Co.

v.

Phenix Salon, LLC

Yong Oh (Richard) Kim, Interlocutory Attorney:

As last reset, Applicant was allowed until December 14, 2021, to answer the notice of opposition.¹ Applicant failed to do so or to seek a further extension. Accordingly, the Board issued a notice of default on January 3, 2022, by which Applicant was allowed thirty days to show cause why judgment should not be entered against it.²

On January 11, 2022, Applicant filed a consented motion to set aside the Board's notice of default and to extend all deadlines, including its time for answer, by sixty (60) days to facilitate ongoing settlement discussions.³

In view of Opposer's consent thereto, the notice of default is **SET ASIDE** and the motion for extension is **GRANTED**. Dates are **RESET** as follows:

¹ 16 – 17 TTABVUE.

² 18 TTABVUE.

³ 19 TTABVUE 2.

Time to Answer	3/14/2022
Deadline for Discovery Conference	4/13/2022
Discovery Opens	4/13/2022
Initial Disclosures Due	5/13/2022
Expert Disclosures Due	9/10/2022
Discovery Closes	10/10/2022
Plaintiff's Pretrial Disclosures Due	11/24/2022
Plaintiff's 30-day Trial Period Ends	1/8/2023
Defendant's Pretrial Disclosures Due	1/23/2023
Defendant's 30-day Trial Period Ends	3/9/2023
Plaintiff's Rebuttal Disclosures Due	3/24/2023
Plaintiff's 15-day Rebuttal Period Ends	4/23/2023
Plaintiff's Opening Brief Due	6/22/2023
Defendant's Brief Due	7/22/2023
Plaintiff's Reply Brief Due	8/6/2023
Request for Oral Hearing (optional) Due	8/16/2023

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.⁴ 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.

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⁴ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.