

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

March 5, 2021

Opposition No. 91267206

Freestyle Brands, LLC

v.

Smart Study Co., Ltd.

Ellen Yowell, Paralegal Specialist:

MOTION TO DIVIDE APPLICATION

On February 2, 2021, Applicant filed a motion to divide application Serial No. 88530086 into two separate applications.¹ See TBMP § 516 and Trademark Rule 2.87(b). No response to Applicant's motion has been filed. In view thereof, Applicant's motion is granted as conceded and the matter is forwarded to the Intent to Use Division of the Office.

Application Serial No. 88530086 shall be divided into a "parent" application to include "watches; clocks" in International Class 14, and a "child" application to include the remaining goods and services in International Classes 2, 3, 9, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32, and 41. See TMEP § 1110 and 37 C.F.R. 2.87.

The application file for watches and clocks in International Class 14 remains subject to this opposition proceeding. The application file for the remaining goods and

¹ Applicant's attorney's deposit account has been charged for the appropriate filing fee.

services in International Classes 2, 3, 9, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 32, and 41 will be forwarded to the Publication and Issue section of this Office for further appropriate action.

MOTION FOR EXTENSION

Applicant's consented motion for extension filed March 1, 2021 is granted. Trademark Rule 2.127(a).

Accordingly, answer, conference, disclosure, discovery, and trial dates are reset as follows:

Time to Answer	5/2/2021
Deadline for Discovery Conference	6/1/2021
Discovery Opens	6/1/2021
Initial Disclosures Due	7/1/2021
Expert Disclosures Due	10/29/2021
Discovery Closes	11/28/2021
Plaintiff's Pretrial Disclosures Due	1/12/2022
Plaintiff's 30-day Trial Period Ends	2/26/2022
Defendant's Pretrial Disclosures Due	3/13/2022
Defendant's 30-day Trial Period Ends	4/27/2022
Plaintiff's Rebuttal Disclosures Due	5/12/2022
Plaintiff's 15-day Rebuttal Period Ends	6/11/2022
Plaintiff's Opening Brief Due	8/10/2022
Defendant's Brief Due	9/9/2022
Plaintiff's Reply Brief Due	9/24/2022
Request for Oral Hearing (optional) Due	10/4/2022

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1).

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).

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.