

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

November 16, 2021

Opposition No. 91268532

Rasa Vineyards, LLC

v.

Rasasvada, LLC

**M. Catherine Faint,
Interlocutory Attorney:**

On October 27, 2021, the parties filed a stipulation for the use of Accelerated Case Resolution (ACR) in this Board proceeding.¹ The parties stipulate to use of the ACR procedure, foregoing pretrial and rebuttal disclosures, to limitations on discovery, that they will not be calling expert witnesses, to the resolution of motions by telephone conference with the Interlocutory Attorney during the pendency of which, these proceedings will not be suspended unless stipulated by the parties or ordered by the Board, that the parties will submit briefs on the case in the cross motion for summary judgment format. The parties will enter a stipulation as to the authenticity of documents and of facts. The parties do not expect to cross examine affiants, but allow that cross examination is permitted and have stipulated to a procedure in the event cross examination is invoked. The parties stipulated to forego oral hearing and

¹ The appearance of defendant's co-counsel, filed September 8, 2021, is noted and entered.

trial, and that the Board may make necessary findings of fact in rendering its ACR decision.² *See, e.g., Eveready Battery Co. v. Green Planet Inc.*, 91 USPQ2d 1511, 1513 (TTAB 2009) (parties selected ACR and agreed to forgo trial by stipulating to use evidence submitted in support of opposer's motion for summary judgment as trial evidence and allowing for any additional evidence to be submitted with their trial briefs on the case); *see also* TBMP § 702.04(d) (2021).

Because the Board finds this case appropriate for ACR, the stipulation requesting use of the ACR procedure in this case is **granted**, and the schedule and procedure proposed therein is adopted.

The Board will expedite determination of this matter and render a final decision in accordance with the evidentiary burden at trial. *See Eveready*, 91 USPQ2d at 1513.

Schedule

The parties' stipulated schedule is copied below.

Discovery Closes: December 17, 2021

Stipulation of Facts, Stipulation as to Authenticity of Documents, and Other Evidence: January 14, 2022

Opposer files its ACR brief and evidence with the Board: February 11, 2022

Applicant files its ACR brief and evidence with the Board: March 11, 2022

Opposer files its ACR rebuttal brief and evidence with the Board: April 1, 2022

Applicant files its ACR rebuttal brief and evidence with the Board: April 22, 2022

² The parties also stipulated that either party can withdraw consent to the ACR procedure at any time, in which case the Board's prior scheduling order will control. The Board notes that any such withdrawal must be filed in writing with the Board and a telephone call placed to the Interlocutory Attorney.