

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 15, 2023

Opposition No. 91269534

LogixHealth, Inc.

v.

*American Academy Holdings, LLC
DBA AAPC*

Rebecca Stempien Coyle, Interlocutory Attorney:

On November 14, 2023, the Board issued an order to show cause for Applicant's failure to file an answer or a motion to extend time to file an answer. It has come to the attention of the Board, that Applicant filed a timely consented motion to extend on October 27, 2023.

In view thereof, the Board's November 14, 2023 order to show cause why default should not be entered is hereby discharged and the notice of default is **SET ASIDE**.

Applicant's consented motion filed October 27, 2023 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted as modified below. Trademark Rule 2.127(a).

The parties are reminded that in the event that either party files a motion to extend or suspend any of these dates, they remain under obligation to support any such motion with a detailed report of the reasons therefor, including details of

settlement efforts. Absent such a report, any subsequent motion to extend or suspend for settlement negotiations may be denied, even though agreed to by the parties.

Answer is due **December 28, 2023**. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1).

The proceeding schedule is reset as follows.

Time to Answer	12/28/2023
Deadline for Discovery Conference	1/27/2024
Discovery Opens	1/27/2024
Initial Disclosures Due	2/26/2024
Expert Disclosures Due	6/25/2024
Discovery Closes	7/25/2024
Plaintiff's Pretrial Disclosures Due	9/8/2024
Plaintiff's 30-day Trial Period Ends	10/23/2024
Defendant's Pretrial Disclosures Due	11/7/2024
Defendant's 30-day Trial Period Ends	12/22/2024
Plaintiff's Rebuttal Disclosures Due	1/6/2025
Plaintiff's 15-day Rebuttal Period Ends	2/5/2025
Plaintiff's Opening Brief Due	4/6/2025
Defendant's Brief Due	5/6/2025
Plaintiff's Reply Brief Due	5/21/2025
Request for Oral Hearing (optional) Due	5/31/2025

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.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.