

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

October 4, 2021

Opposition No. 91269888

Bubba Foods, LLC

v.

AOB Products Company

Nicole Thier, Paralegal Specialist:

Opposer/Counterclaim-Defendant's motion filed September 7, 2021 to extend time to file its answer to the counterclaim, and to extend conference, disclosure, discovery and trial dates, is granted as conceded. Trademark Rule 2.127(a).

Answer to the counterclaim is due October 7, 2021. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. See Trademark Rule 2.106(b)(1)/2.114(b)(1).

The conference, disclosure, discovery and trial dates are reset as follows.

Answer to Counterclaim Due	10/7/2021
Deadline for Discovery Conference	11/6/2021
Discovery Opens	11/6/2021
Initial Disclosures Due	12/6/2021
Expert Disclosures Due	4/5/2022
Discovery Closes	5/5/2022
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	6/19/2022
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	8/3/2022

Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	8/18/2022
30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	10/2/2022
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	10/17/2022
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	12/1/2022
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	12/16/2022
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	1/15/2023
Opening Brief for Party in Position of Plaintiff in Original Claim Due	3/16/2023
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	4/15/2023
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	5/15/2023
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	5/30/2023
Request for Oral Hearing (optional) Due	6/9/2023

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, 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.

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