

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](mailto:TTABInfo@uspto.gov)

JK

October 20, 2021

Opposition No. 91271209

*Northwell Health, Inc.*

*v.*

*Nashwell, LLC*

**J. Krisp, Interlocutory Attorney:**

On October 4, 2021, Applicant filed a motion for summary judgment with respect to and seeking judgment on Opposer's claim. 5 TTABVUE. Applicant filed the motion concurrently with its answer to the notice of opposition. 4 TTABVUE.

Trademark Rule 2.127(e)(1) states:

A party may not file a motion for summary judgment until the party has made its initial disclosures, except for a motion asserting claim or issue preclusion or lack of jurisdiction by the Trademark Trial and Appeal Board.

*See also* TBMP § 528.02 (2021).

Applicant does not state in its motion that it served its initial disclosures. Applicant does not assert in its motion claim or issue preclusion, or lack of Board jurisdiction. Accordingly, Applicant's motion for summary judgment is denied as untimely.

Dates remain as set in the August 23, 2021 order instituting this proceeding, as follows:

Deadline for Discovery Conference	11/1/2021
Discovery Opens	11/1/2021
Initial Disclosures Due	12/1/2021
Expert Disclosures Due	3/31/2022
Discovery Closes	4/30/2022
Plaintiff's Pretrial Disclosures Due	6/14/2022
Plaintiff's 30-day Trial Period Ends	7/29/2022
Defendant's Pretrial Disclosures Due	8/13/2022
Defendant's 30-day Trial Period Ends	9/27/2022
Plaintiff's Rebuttal Disclosures Due	10/12/2022
Plaintiff's 15-day Rebuttal Period Ends	11/11/2022
Plaintiff's Opening Brief Due	1/10/2023
Defendant's Brief Due	2/9/2023
Plaintiff's Reply Brief Due	2/24/2023
Request for Oral Hearing (optional) Due	3/6/2023

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).