

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
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General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

August 7, 2023

Opposition No. 91274709

*Glo Digital, Inc.*

*v.*

*Zappy Limited*

**Chaunte Austin, Paralegal Specialist:**

In view of the parties settlement discussions, Applicant's consented motion (filed July 31, 2023) to further extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted for good cause shown. 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. For further explanation of this requirement, the parties are referred to the Board order issued April 6, 2023. Absent such a report, any future motion to extend or suspend may be denied, even if agreed to by the parties.

Additionally, the parties are instructed that further use of the ESTTA "Consented Motions" option for purposes of filing a status report is not appropriate and the

parties are, thus, required to submit a motion using the “General Filings” option and include the supplemental status report, and proposed schedule including all desired subsequent deadlines for any future motion to extend trial dates or to suspend this proceeding. **Any future motion to extend or suspend not filed in this manner, whether consented to or not, will be summarily denied.**

Answer is due September 2, 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 conference, disclosure, discovery and trial dates are reset in accordance with Applicant’s motion as follows:

Deadline for Discovery Conference	10/2/2023
Discovery Opens	10/2/2023
Initial Disclosures Due	11/1/2023
Expert Disclosures Due	2/29/2024
Discovery Closes	3/30/2024
Plaintiff’s Pretrial Disclosures Due	5/14/2024
Plaintiff’s 30-day Trial Period Ends	6/28/2024
Defendant’s Pretrial Disclosures Due	7/13/2024
Defendant’s 30-day Trial Period Ends	8/27/2024
Plaintiff’s Rebuttal Disclosures Due	9/11/2024
Plaintiff’s 15-day Rebuttal Period Ends	10/11/2024
Plaintiff’s Opening Brief Due	12/10/2024
Defendant’s Brief Due	1/9/2025
Plaintiff’s Reply Brief Due	1/24/2025
Request for Oral Hearing (optional) Due	2/3/2025

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.<sup>1</sup> 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.

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<sup>1</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.