

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)

TAB

March 10, 2023

Opposition No. 91274910

*Brink Biologics, Inc.*

*v.*

*Agilent Technologies, Inc.*

**Tashia A. Bunch, Interlocutory Attorney:**

Opposer's motion for leave to amend the first amended combined notice of opposition, filed February 13, 2023, is granted as conceded in Applicant's March 6, 2023 response (25 TTABVUE). Opposer's second amended combined notice of opposition, at 23 TTABVUE, is accepted as Opposer's operative pleading in this proceeding.

Dates are reset as follows:

Time to Answer	3/30/2023
Deadline for Discovery Conference	4/29/2023
Discovery Opens	4/29/2023
Initial Disclosures Due	5/29/2023
Expert Disclosures Due	9/26/2023
Discovery Closes	10/26/2023
Plaintiff's Pretrial Disclosures Due	12/10/2023
Plaintiff's 30-day Trial Period Ends	1/24/2024
Defendant's Pretrial Disclosures Due	2/8/2024

Defendant's 30-day Trial Period Ends	3/24/2024
Plaintiff's Rebuttal Disclosures Due	4/8/2024
Plaintiff's 15-day Rebuttal Period Ends	5/8/2024
Plaintiff's Opening Brief Due	7/7/2024
Defendant's Brief Due	8/6/2024
Plaintiff's Reply Brief Due	8/21/2024
Request for Oral Hearing (optional) Due	8/31/2024

### **Important Trial and Briefing Instructions**

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). Such briefs should utilize citations to the TTABVUE record created during trial, to facilitate the Board's review of the evidence at final hearing. See TBMP § 801.03. 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).