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 29, 2022

Opposition No. 91275280

UFO Contemporary, Inc.

v.

Michael Z. McGuiness

Nicole Thier, Paralegal Specialist:

On November 23, 2022, Applicant's attorney filed a renewed request to withdraw as Applicant's counsel of record in this proceeding.[1] The request to withdraw as counsel is now in compliance with the requirements of Trademark Rules 2.19(b) and Patent and Trademark Rule 11.116, and is accordingly granted. The law firm of Crowell & Moring LLP no longer represents Applicant in this proceeding.

Additionally, on October 27, 2022, Matthew J. Dowd and Robert J. Scheffel of the law firm of Dowd Scheffel PLLC entered an appearance on behalf of Applicant moving forward. The Board's records have been updated accordingly to reflect this change.

In view thereof, proceedings herein are resumed and trial dates are reset as indicated below.

Initial Disclosures Due	**12/29/2022**
Expert Disclosures Due	**4/28/2023**

[1] A copy of the Board's order granting the request to withdraw is placed in the application involved in this proceeding.

Discovery Closes	**5/28/2023**
Plaintiff's Pretrial Disclosures Due	**7/12/2023**
Plaintiff's 30-day Trial Period Ends	**8/26/2023**
Defendant's Pretrial Disclosures Due	**9/10/2023**
Defendant's 30-day Trial Period Ends	**10/25/2023**
Plaintiff's Rebuttal Disclosures Due	**11/9/2023**
Plaintiff's 15-day Rebuttal Period Ends	**12/9/2023**
Plaintiff's Opening Brief Due	**2/7/2024**
Defendant's Brief Due	**3/8/2024**
Plaintiff's Reply Brief Due	**3/23/2024**

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, matters in evidence, the manner and timing of taking testimony, 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.[2] 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.

A copy of this order has been sent to all persons listed below.

cc:

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Information regarding legal representation

[2] To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

While Patent and Trademark Rule 11.14 permits any person to represent itself, it is strongly advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in *inter partes* proceedings before the Board to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney. *See* TBMP § 114.02.

Trademark Rules 2.119(a) and (b) require that every submission filed in a proceeding before the Board **must** be served upon the other party or parties, and proper proof of such service must be made before the submission will be considered by the Board. Accordingly, all submissions filed in this proceeding **must** be accompanied by a statement, signed by the attorney or other authorized representative, attached to or appearing on the original submission when filed, clearly stating the date and manner in which service was made, the name of each party or person upon whom service was made, and the email address or address. *See* TBMP § 113.03. Service must be made by email unless otherwise stipulated, or unless the filing party has satisfied the requirements for another method of service as set forth in Trademark Rule 2.119(b). The statement will be accepted as prima facie proof of service, must be signed and dated, and should take the form of a Certificate of Service as follows:

> I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by forwarding said copy on (insert date of mailing), via email (or insert other appropriate method of delivery) to: (set out name, address, and email address of opposing counsel or party).
>
> Signature_____
> Date_____

Submissions in Board proceedings must be made via ESTTA, the Electronic System for Trademark Trials and Appeals, and must be in compliance with Trademark Rules 2.126(a) and (b). *See* TBMP § 110.01. The ESTTA user manual, ESTTA forms, and instructions for their use are at https://estta.uspto.gov/.

It is recommended that any pro se party be familiar with the latest edition of Chapter 37 of the Code of Federal Regulations, which includes the Trademark Rules of Practice. Parties should also be familiar with the Trademark Trial and Appeal Board Manual of Procedure (TBMP), available at https://www.uspto.gov/ttab, the TTABVUE system for viewing the record for all Board proceedings, available at https://ttabvue.uspto.gov/ttabvue/, and the Standard Protective Order, available at https://www.uspto.gov/trademarks-application-process/appealing-trademark-decisions/standard-documents-and-guidelines-0.

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is required of all parties, whether or not they are represented by counsel. *McDermott v. San Francisco Women's Motorcycle Contingent*, 81 USPQ2d 1212, n.2 (TTAB 2006), *aff'd unpub'd*, 240 Fed. Appx.865 (Fed. Cir. 2007), *cert. denied*, 552 U.S. 1109 (2008).