

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RK/kk

March 21, 2023

Opposition No. **91277626**

SunPower Corporation

v.

Xu Pingguo

Yong Oh (Richard) Kim, Interlocutory Attorney:

On January 31, 2023, Applicant filed a proposed amendment to Application Serial No. 90900682, with Opposer's consent.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Class 9 as follows (deletions underlined and additions bolded):

From: Batteries; Motherboards; Automatic pill counters; Digital bathroom scales; Digital signage display panels; Electronic key fobs being remote control apparatus; Keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; Lenses for welding helmets; Lithium ion batteries; Magnetic identifying cards; Mobile computers; Pocket-sized electronic calculators; Pocket translators, electronic; Remote controls for radios, televisions, stereos; Smoke alarm tester in the nature of a cool burning smoke generator; in International Class 9.

To: Motherboards; Automatic pill counters; Digital bathroom scales; Digital signage display panels; Electronic key fobs being remote

control apparatus; Keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; Lenses for welding helmets; **Non-rechargeable lithium metal batteries for use in small, portable consumer electronics and accessories**; Magnetic identifying cards; Mobile computers; Pocket-sized electronic calculators; Pocket translators, electronic; Remote controls for radios, televisions, stereos; Smoke alarm tester in the nature of a cool burning smoke generator; in International Class 9.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

If this resolves the dispute herein, Opposer is allowed until **APRIL 17, 2023**, to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended in accordance with the following schedule:

Initial Disclosures Due	5/17/2023
Expert Disclosures Due	9/14/2023
Discovery Closes	10/14/2023
Plaintiff's Pretrial Disclosures Due	11/28/2023
Plaintiff's 30-day Trial Period Ends	1/12/2024
Defendant's Pretrial Disclosures Due	1/27/2024
Defendant's 30-day Trial Period Ends	3/12/2024
Plaintiff's Rebuttal Disclosures Due	3/27/2024
Plaintiff's 15-day Rebuttal Period Ends	4/26/2024
Plaintiff's Opening Brief Due	6/25/2024
Defendant's Brief Due	7/25/2024
Plaintiff's Reply Brief Due	8/9/2024
Request for Oral Hearing (optional) Due	8/19/2024

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).

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