

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
TTAB Assistance Center: 571-272-8500
General Email: TTABInfo@uspto.gov

December 20, 2022

Opposition No. 91278430

Yard House USA, Inc.

v.

The Yardery LLC

Karl Kochersperger, Paralegal Specialist:

Bar Information Needed for Applicant

It appears that Applicant is represented by an attorney.¹ Effective August 3, 2019, the USPTO amended its rules to require all practitioners qualified under § 11.14(a) to be an active member in good standing and to provide the name of a state in which he or she is an active member in good standing; the date of admission to the bar of the named state; and the bar license number, if one is issued by the named state. 37 C.F.R. § 2.17(b)(3).

Accordingly, Applicant is allowed ten days from the mailing date of this order to provide the information above using the Change of Address form in ESTTA. The bar information entered on the ESTTA Change of Address form will be masked from TTABVUE.

¹ The notice of substitution of counsel filed December 15, 2022 for Applicant is noted and the proceeding file has been updated to reflect the change.

If Applicant fails to comply with this order, the Board may issue an order to show cause.

Motion to Extend

Opposer's consented motion, filed December 15, 2022, to extend disclosure, discovery, and trial dates is granted.² Trademark Rule 2.127(a).

Trial dates are reset in accordance with Opposer's motion, as follows:

Initial Disclosures Due	2/14/2023
Expert Disclosures Due	6/14/2023
Discovery Closes	7/14/2023
Plaintiff's Pretrial Disclosures Due	8/28/2023
Plaintiff's 30-day Trial Period Ends	10/12/2023
Defendant's Pretrial Disclosures Due	10/27/2023
Defendant's 30-day Trial Period Ends	12/11/2023
Plaintiff's Rebuttal Disclosures Due	12/26/2023
Plaintiff's 15-day Rebuttal Period Ends	1/25/2024
Plaintiff's Opening Brief Due	3/25/2024
Defendant's Brief Due	4/24/2024
Plaintiff's Reply Brief Due	5/9/2024
Request for Oral Hearing (optional) Due	5/19/2024

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

² When parties stipulate to the rescheduling of a deadline for pretrial disclosures and subsequent testimony periods or to the rescheduling of the closing date for discovery and the rescheduling of subsequent deadlines for pretrial disclosures and testimony periods, a stipulation presented in the form used in a trial order, signed by the parties, or a motion in said form signed by one party and including a statement that every other party has agreed thereto, shall be submitted to the Board through ESTTA, with the relevant dates set forth and an express statement that all parties agree to the new dates. Trademark Rule 2.121(d).

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.³ 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.

³ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.