

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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January 18, 2023

Opposition No. 91282278

*Aston Martin Lagonda Limited LLC*

*v.*

*Berry Global, Inc.*

**Nicole Thier, Paralegal Specialist:**

Applicant's consented motion filed January 13, 2023 to extend time to file an answer to the notice of opposition, and to extend conference, disclosure, discovery and trial dates, is granted as modified.<sup>1</sup> Trademark Rule 2.127(a).

Answer is due February 21, 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)/2.114(b)(1).<sup>2</sup>

The conference, disclosure, discovery and trial dates are reset as follows:

Time to Answer	2/21/2023
Deadline for Discovery Conference	3/23/2023
Discovery Opens	3/23/2023
Initial Disclosures Due	4/22/2023
Expert Disclosures Due	8/20/2023
Discovery Closes	9/19/2023
Plaintiff's Pretrial Disclosures Due	11/3/2023

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<sup>1</sup> The Board has corrected inadvertent errors in the calculation of trial dates in Applicant's proposed schedule.

<sup>2</sup> Applicant's appearance of counsel, filed January 13, 2023, is noted and made of record.

Plaintiff's 30-day Trial Period Ends	12/18/2023
Defendant's Pretrial Disclosures Due	1/2/2024
Defendant's 30-day Trial Period Ends	2/16/2024
Plaintiff's Rebuttal Disclosures Due	3/2/2024
Plaintiff's 15-day Rebuttal Period Ends	4/1/2024
Plaintiff's Opening Brief Due	5/31/2024
Defendant's Brief Due	6/30/2024
Plaintiff's Reply Brief Due	7/15/2024
Request for Oral Hearing (optional) Due	7/25/2024

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, 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>3</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>3</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.