UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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ajl/ey

December 18, 2024

Opposition No. 91286244 **(parent)**
Opposition No. 91287839

Maxon Computer, Inc.

v.

Red Giant Media, LLC

By the Trademark Trial and Appeal Board:

On October 22, 2024, the Board issued an order granting Opposer's second motion to dismiss and allowing Applicant time to replead its counterclaim. Applicant did not file an amended counterclaim within the time set forth in the motion. In view thereof, Applicant's counterclaim is **dismissed with prejudice**.

The consolidated oppositions will proceed on the schedule set forth below:

Deadline for Discovery Conference	**1/19/2025**
Discovery Opens	**1/19/2025**
Initial Disclosures Due	**2/18/2025**
Expert Disclosures Due	**6/18/2025**
Discovery Closes	**7/18/2025**
Plaintiff's Pretrial Disclosures Due	**9/1/2025**
Plaintiff's 30-day Trial Period Ends	**10/16/2025**
Defendant's Pretrial Disclosures Due	**10/31/2025**
Defendant's 30-day Trial Period Ends	**12/15/2025**
Plaintiff's Rebuttal Disclosures Due	**12/30/2025**
Plaintiff's 15-day Rebuttal Period Ends	**1/29/2026**
Plaintiff's Opening Brief Due	**3/30/2026**
Defendant's Brief Due	**4/29/2026**

Plaintiff's Reply Brief Due	**5/14/2026**
Request for Oral Hearing (optional) Due	**5/24/2026**

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.[1] 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.

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