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

ky/tab

March 28, 2025

Opposition No. 91297469

RTL Group Markenverwaltungs GmbH

v.

Shenzhen Lutuo E-commerce Co., Ltd

Tashia A. Bunch, Interlocutory Attorney:

On March 18, 2025, Opposer filed an amended notice of opposition.

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier. *See* Trademark Rule 2.107/2.115; TBMP § 507.01. However, as a practical matter, because the time to answer set by the Board's institution order is 40 days, a plaintiff may amend its complaint once as a matter of course beyond the initial 21 days from serving it until the defendant files either an answer or a motion under Fed. R. Civ. P. 12(b), (e) or (f). *See* TBMP § 507.02.

Opposer's amended notice of opposition was filed as a matter of course, and is accepted as Opposer's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(1)(A) and (B).

Applicant is allowed until thirty days from the date of this order to file an answer to the amended notice of opposition. The Board notes that Applicant and Applicant's attorney have a foreign domicile. Effective August 3, 2019, the USPTO amended its rules to require applicants, registrants, or parties to a proceeding whose domicile is not located within the U.S. or its territories to be represented by an attorney who is an active member in good standing of the bar of the highest court of a state in the U.S., including the District of Columbia or any commonwealth or territory. 37 C.F.R. § 2.11(a).

Accordingly, Applicant is required to secure U.S. counsel to represent it in this proceeding. 84 FR 31498 (*Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, July 2, 2019).

To proceed in this cancellation proceeding, Applicant must obtain U.S. counsel and establish representation by providing the following: date of admission, state or territory of admission, and bar license number. 37 C.F.R. § 2.17(b)(3). This can be done by filing, in ESTTA, either 1) the Appearance of Counsel/Power of Attorney form, which requires a written power of attorney signed by the party the attorney represents; or 2) a document (e.g. motion, brief) that satisfactorily identifies the individual as attorney for the party AND the Change of Address form wherein the

bar information is required. The bar information entered on the Change of Address form will be masked from TTABVUE.

Conferencing, discovery and trial dates are reset as follows:

Time to Answer	4/17/2025
Deadline for Discovery Conference	5/17/2025
Discovery Opens	5/17/2025
Initial Disclosures Due	6/16/2025
Expert Disclosures Due	10/14/2025
Discovery Closes	11/13/2025
Plaintiff's Pretrial Disclosures Due	12/28/2025
Plaintiff's 30-day Trial Period Ends	2/11/2026
Defendant's Pretrial Disclosures Due	2/26/2026
Defendant's 30-day Trial Period Ends	4/12/2026
Plaintiff's Rebuttal Disclosures Due	4/27/2026
Plaintiff's 15-day Rebuttal Period Ends	5/27/2026
Plaintiff's Opening Brief Due	7/26/2026
Defendant's Brief Due	8/25/2026
Plaintiff's Reply Brief Due	9/9/2026
Request for Oral Hearing (optional) Due	9/19/2026

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, 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).