

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
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November 13, 2018

Opposition No. 92056206

IML - Instrument Mechanic Labor, Inc.

v.

Frank Rinn

Geoffrey M. McNutt, Interlocutory Attorney:

Opposer's October 22, 2018, consented motion to extend discovery and trial dates is granted. Trademark Rule 2.127(a).

The Board notes that this proceeding commenced on September 19, 2012 and discovery opened on December 29, 2012.¹ The parties sought, and the Board granted, seventeen prior motions to suspend or extend.² The parties are reminded that any future motion to extend or suspend **must** be accompanied by a detailed progress report setting forth the circumstances warranting further extension or suspension of the discovery and trial deadlines. The report must set forth the progress the parties have made towards completing discovery during the previous periods of suspension or extension, including the dates on which the parties communicated in substance regarding discovery. The report also must state when the parties expect to conclude

¹ TTABVUE entries 1 and 4-5.

² TTABVUE entries 4-5, 8-11, 14-23, 25-26, 32-35, and 37-48.

discovery. Absent such a report, any future motion to extend or suspend may be denied, even though agreed to by the parties.

Discovery and trial dates are reset in accordance with Opposer's motion, as follows:

Discovery Closes	4/22/2019
Plaintiff's Pretrial Disclosures Due	6/6/2019
Plaintiff's 30-day Trial Period Ends	7/21/2019
Defendant's Pretrial Disclosures Due	8/5/2019
Defendant's 30-day Trial Period Ends	9/19/2019
Plaintiff's Rebuttal Disclosures Due	10/4/2019
Plaintiff's 15-day Rebuttal Period Ends	11/3/2019
Plaintiff's Opening Brief Due	1/2/2020
Defendant's Brief Due	2/1/2020
Plaintiff's Reply Brief Due	2/16/2020
Request for Oral Hearing (optional) Due	2/26/2020

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).