

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

Mailed: August 29, 2017

Cancellation No. 92063578

Idahoan Foods, LLC

v.

Kettle Foods, Inc.

Nicole Thier, Paralegal Specialist:

Respondent's consented motion filed August 25, 2017 to extend time to file an answer to the petition to cancel, and to extend conference, disclosure, discovery and trial dates, is granted for good cause shown.

The parties are reminded of their continued obligation to provide a detailed progress report with all future extension and suspension requests filed with the Board. Such a report **MUST** include when the parties discussed settlement, what issues were resolved, what issues remain to be resolved, and a firm timetable for resolution. Failing which, no future motion will be approved by the Board.¹ Trademark Rule 2.127(a).

¹ 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

Answer is due September 26, 2017. 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).

The conference, disclosure, discovery and trial dates are reset in accordance with Respondent's consented motion as follows:

Time to Answer	9/26/2017
Deadline for Discovery Conference	10/26/2017
Discovery Opens	10/26/2017
Initial Disclosures Due	11/25/2017
Expert Disclosures Due	3/25/2018
Discovery Closes	4/24/2018
Plaintiff's Pretrial Disclosures Due	6/8/2018
Plaintiff's 30-day Trial Period Ends	7/23/2018
Defendant's Pretrial Disclosures Due	8/7/2018
Defendant's 30-day Trial Period Ends	9/21/2018
Plaintiff's Rebuttal Disclosures Due	10/6/2018
Plaintiff's 15-day Rebuttal Period Ends	11/5/2018
Plaintiff's Opening Brief Due	1/4/2019
Defendant's Brief Due	2/3/2019
Plaintiff's Reply Brief Due	2/18/2019
Request for Oral Hearing (optional) Due	2/28/2019

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 serv-

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).

ing 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).