

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](mailto:TTABInfo@uspto.gov)

dav

January 23, 2019

Cancellation No. 92063886

*TruRating Ltd.*

*v.*

*Adam Summers*

**Debra A. Vitus, Lead Paralegal**

Respondent's consented motion, filed December 28, 2018, to extend disclosure, discovery, and trial dates is granted.<sup>1</sup> Trademark Rule 2.127(a).

Trial dates are reset in accordance with Petitioner's/Respondent's motion, as follows:<sup>2</sup>

|                                      |           |
|--------------------------------------|-----------|
| Expert Disclosures Due               | 3/26/2019 |
| Discovery Closes                     | 4/25/2019 |
| Plaintiff's Pretrial Disclosures Due | 6/9/2019  |
| Plaintiff's 30-day Trial Period Ends | 7/24/2019 |
| Defendant's Pretrial Disclosures Due | 8/8/2019  |
| Defendant's 30-day Trial Period Ends | 9/22/2019 |

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<sup>1</sup> 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 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).

<sup>2</sup> The Board notes that the motion to extend deadlines was received after the December 11, 2018, due date for Expert Disclosures. Since this is a consented motion, the Board will reopen and extend that date.

|   |           |
|---|-----------|
| Plaintiff's Rebuttal Disclosures Due    | 10/7/2019 |
| Plaintiff's 15-day Rebuttal Period Ends | 11/6/2019 |
| Plaintiff's Opening Brief Due           | 1/5/2020  |
| Defendant's Brief Due                   | 2/4/2020  |
| Plaintiff's Reply Brief Due             | 2/19/2020 |
| Request for Oral Hearing (optional) Due | 2/29/2020 |

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, 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).