

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
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General Email: TTABInfo@uspto.gov

April 18, 2019

Cancellation No. 92064802

*BBK Communication Technology Co., Ltd.
and Vivo Mobile Communication Co. Ltd.*

v.

Telefonica, S.A.

Ellen Yowell, Paralegal Specialist:

The stipulated motion, filed April 16, 2019, to extend disclosure and trial dates is granted.¹ Trademark Rule 2.127(a).

The parties are reminded that any future motion to extend or suspend must be accompanied by a detailed report. The report must set forth what progress the parties have made towards settlement during the previous period of suspension or extension. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

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 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).

The proceeding schedule is reset in accordance with the stipulated motion, as follows:

Plaintiff's Pretrial Disclosures Due	7/19/2019
Plaintiff's 30-day Trial Period Ends	9/2/2019
Defendant's Pretrial Disclosures Due	9/17/2019
Defendant's 30-day Trial Period Ends	11/1/2019
Plaintiff's Rebuttal Disclosures Due	11/16/2019
Plaintiff's 15-day Rebuttal Period Ends	12/16/2019
Plaintiff's Opening Brief Due	2/14/2020
Defendant's Brief Due	3/15/2020
Plaintiff's Reply Brief Due	3/30/2020
Request for Oral Hearing (optional) Due	4/9/2020

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).