

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: March 14, 2017

Cancellation No. 92064838

Societe des Produits Nestle S.A.

v.

Omega Foods LLC

Rochelle Adams, Paralegal Specialist:

Respondent's change of address and its motion filed January 19, 2017 to reopen and extend time to file its answer to the petition to cancel is granted, based upon the reasons set forth in Respondent's motion.¹ Trademark Rule 2.127(a). 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).

Accordingly, answer, conference, disclosure, discovery and trial dates, are reset as follows:

Time to Answer	4/23/2017
Deadline for Discovery Conference	5/23/2017
Discovery Opens	5/23/2017
Initial Disclosures Due	6/22/2017

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).

Expert Disclosures Due	10/20/2017
Discovery Closes	11/19/2017
Plaintiff's Pretrial Disclosures	1/3/2018
Plaintiff's 30-day Trial Period Ends	2/17/2018
Defendant's Pretrial Disclosures	3/4/2018
Defendant's 30-day Trial Period Ends	4/18/2018
Plaintiff's Rebuttal Disclosures	5/3/2018
Plaintiff's 15-day Rebuttal Period Ends	6/2/2018

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).