

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: May 5, 2017

Cancellation No. 92064838

*Societe des Produits Nestle S.A.*

*v.*

*Omega Foods LLC*

**Rochelle Adams, Paralegal Specialist:**

Respondent's consented motion filed April 21, 2017 to extend time for an additional thirty days to allow time to file an answer to the petition to cancel, and to extend conference, disclosure, discovery and trial dates, is granted.<sup>1</sup> Trademark Rule 2.127(a).

Answer is due May 23, 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 as indicated below:

Time to Answer	<b>5/23/2017</b>
Deadline for Discovery Conference	<b>6/22/2017</b>

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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).

Discovery Opens	<b>6/22/2017</b>
Initial Disclosures Due	<b>7/22/2017</b>
Expert Disclosures Due	<b>11/19/2017</b>
Discovery Closes	<b>12/19/2017</b>
Plaintiff's Pretrial Disclosures	<b>2/2/2018</b>
Plaintiff's 30-day Trial Period Ends	<b>3/19/2018</b>
Defendant's Pretrial Disclosures	<b>4/3/2018</b>
Defendant's 30-day Trial Period Ends	<b>5/18/2018</b>
Plaintiff's Rebuttal Disclosures	<b>6/2/2018</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>7/2/2018</b>

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).