

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
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April 4, 2019

Cancellation No. 92066320

*Fitness Labs Nutrition Corporation*

*v.*

*Research Sports Nutrition, LLC and  
Nutrition Distribution, LLC*

**Karl Kochersperger, Paralegal Specialist:**

Petitioner's consented motion, filed March 27, 2019, to extend disclosure, discovery, and trial dates is granted, however the Board has adjusted the dates to align with a typical schedule.<sup>1</sup> Trademark Rule 2.127(a).

Trial dates are reset in accordance with Petitioner's motion, as adjusted, as follows:

Expert Disclosures Due	5/3/2019
Discovery Closes	6/2/2019
Plaintiff's Pretrial Disclosures Due	7/17/2019
Plaintiff's 30-day Trial Period Ends	8/31/2019
Defendant's Pretrial Disclosures Due	9/15/2019
Defendant's 30-day Trial Period Ends	10/30/2019

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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).

Plaintiff's Rebuttal Disclosures Due	11/14/2019
Plaintiff's 15-day Rebuttal Period Ends	12/14/2019
Plaintiff's Opening Brief Due	2/12/2020
Defendant's Brief Due	3/13/2020
Plaintiff's Reply Brief Due	3/28/2020
Request for Oral Hearing (optional) Due	4/7/2020

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).