

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

June 7, 2018

Cancellation No. 92067273

Dolcas Biotech, LLC

v.

Boston BioPharm, Inc.

Nicole Thier, Paralegal Specialist:

Applicant's consented motion, filed June 6, 2018, to correct an inadvertent error in the previously filed request is granted.

The Board's June 6, 2018 order is discharged and replaced with the order below.

Proceedings are suspended, subject to the right of either party to request resumption at any time.¹ *See* Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed. *See* Trademark Rule 2.18(b)(1).

¹ The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate. *See* Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

Initial Disclosures Due	7/29/2018
Expert Disclosures Due	11/26/2018
Discovery Closes	12/26/2018
Pretrial Disclosures Due for Party in Position of Plaintiff in Original Claim	2/9/2019
30-day Trial Period Ends for Party in Position of Plaintiff in Original Claim	3/26/2019
Pretrial Disclosures Due for Party in Position of Defendant in Original Claim and in Position of Plaintiff in Counterclaim	4/10/2019
30-day Trial Period Ends for Party in Position of Defendant in Original Claim, and in Position of Plaintiff in Counterclaim	5/25/2019
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Original Claim and in Position of Defendant in Counterclaim	6/9/2019
30-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Original Claim, and in Position of Defendant in Counterclaim	7/24/2019
Pretrial Disclosures Due for Rebuttal of Party in Position of Plaintiff in Counterclaim	8/8/2019
15-day Trial Period Ends for Rebuttal of Party in Position of Plaintiff in Counterclaim	9/7/2019
Opening Brief for Party in Position of Plaintiff in Original Claim Due	11/6/2019
Combined Brief for Party in Position of Defendant in Original Claim and Opening Brief as Plaintiff in Counterclaim Due	12/6/2019
Combined Rebuttal Brief for Party in Position of Plaintiff in Original Claim and Brief as Defendant in Counterclaim Due	1/5/2020
Rebuttal Brief for Party in Position of Plaintiff in Counterclaim Due	1/20/2020
Request for Oral Hearing (optional) Due	1/30/2020

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).