

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

RK/mt

Mailed: February 13, 2018

Cancellation No. **92067357**

SweetBio, Inc.

v.

Milmed AB

Yong Oh (Richard) Kim, Interlocutory Attorney:

On January 29, 2018, Respondent filed a proposed amendment to its **Registration No. 4329786**, with Petitioner's consent.

By the proposed amendment, Respondent seeks to amend the identification of goods in International Class 5 as follows (deletions underlined):¹

From: Pharmaceutical and veterinary preparations for the treatment of neurological diseases, fatigue and cold symptoms and for the strengthening of the immune system; dietetic foods adapted for medical use for the normalization of the neuroendocrine system and strengthening of the immune defence system; in International Class 5.

To: Pharmaceutical preparations for the treatment of neurological diseases, fatigue and cold symptoms and for the strengthening of the immune system; dietetic foods adapted for medical use for the normalization of the neuroendocrine system and strengthening of the immune defence system; in International Class 5.

Inasmuch as the amendment complies with the requirements of Trademark Rule 2.173, is limiting in nature, and consented to by Petitioner, the amendment is

¹ International Class 32 remains unchanged.

hereby **APPROVED**. See Trademark Rule 2.133(a). The amendment will be forwarded to the Post Registration Branch of this Office for entry in accordance with Section 7(e) of the Trademark Act.²

If this resolves the dispute herein, Petitioner is allowed until **MARCH 12, 2018**, to file a withdrawal of the cancellation, failing which the proceeding will go forward on the registration as amended in accordance with the following schedule:

Time to Answer	3/26/2018
Deadline for Discovery Conference	4/25/2018
Discovery Opens	4/25/2018
Initial Disclosures Due	5/25/2018
Expert Disclosures Due	9/22/2018
Discovery Closes	10/22/2018
Plaintiff's Pretrial Disclosures Due	12/6/2018
Plaintiff's 30-day Trial Period Ends	1/20/2019
Defendant's Pretrial Disclosures Due	2/4/2019
Defendant's 30-day Trial Period Ends	3/21/2019
Plaintiff's Rebuttal Disclosures Due	4/5/2019
Plaintiff's 15-day Rebuttal Period Ends	5/5/2019
Plaintiff's Opening Brief Due	7/4/2019
Defendant's Brief Due	8/3/2019
Plaintiff's Reply Brief Due	8/18/2019
Request for Oral Hearing (option) Due	8/28/2019

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, matters in evidence, the manner and timing of taking testimony, and the procedures for

² Copies of the Board's order granting the amendment and Respondent's declaration will be forwarded electronically for uploading to the record of the registration.

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).

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