

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
TTAB Assistance Center: 571-272-8500

Mailed: February 7, 2018

Cancellation No. 92067523

*Cascade Earth Sciences, Ltd.*

*v.*

*CES Clean Water, LLC, assigned from  
Corporate Environmental Solutions LLC<sup>1</sup>*

**Karl Kochersperger, Paralegal Specialist:**

On December 12, 2017, the Board forwarded a notice of institution of this proceeding to the parties. On January 22, 2018, Respondent filed an answer and on January 26, 2018, Respondent filed an amended answer. On February 1, 2018, Petitioner filed an amended petition to cancel.

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier. *See* Trademark Rule 2.107/2.115; TBMP § 507.01. However, as a practical matter, because the time

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<sup>1</sup> Respondent filed an assignment of the involved registration from Corporate Environmental Solutions, LLC to CES Clean Water, LLC on November 10, 2017, and the assignment was recorded on the same day in the Assignment Branch of the Office at reel/frame 6202/0780.

to answer set by the Board's institution order is 40 days, a plaintiff may amend its complaint once as a matter of course beyond the initial 21 days from serving it until the defendant files either an answer or a motion under Fed. R. Civ. P. 12(b), (e) or (f). *See* TBMP § 507.02.

Petitioner's amended petition to cancel was filed as a matter of course, and is accepted as Petitioner's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(1)(A) and (B).

Respondent is allowed until thirty days from the mailing date of this order to file an answer to the amended notice of opposition.

Conferencing, discovery and trial dates are reset as follows:

Time to Answer	3/9/2018
Deadline for Discovery Conference	4/8/2018
Discovery Opens	4/8/2018
Initial Disclosures Due	5/8/2018
Expert Disclosures Due	9/5/2018
Discovery Closes	10/5/2018
Plaintiff's Pretrial Disclosures Due	11/19/2018
Plaintiff's 30-day Trial Period Ends	1/3/2019
Defendant's Pretrial Disclosures Due	1/18/2019
Defendant's 30-day Trial Period Ends	3/4/2019
Plaintiff's Rebuttal Disclosures Due	3/19/2019
Plaintiff's 15-day Rebuttal Period Ends	4/18/2019
Plaintiff's Opening Brief Due	6/17/2019
Defendant's Brief Due	7/17/2019
Plaintiff's Reply Brief Due	8/1/2019
Request for Oral Hearing (optional) Due	8/11/2019

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, 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).