

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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mbm/kk

October 9, 2019

Cancellation No. 92067821

Certified Origins, Inc.

v.

Park Roots Company LLC

Mary Beth Myles, Interlocutory Attorney:

The parties' stipulated motion filed September 27, 2019 to substitute is noted.¹ The parties' wish to substitute Certified Origins, Inc. (Delaware) in place of Certified Origins, Inc. (California) for Petitioner. Effective July 26, 2019, Certified Origins, Inc. (California) merged with and into Certified Origins, Inc. (Delaware). A document reflecting the merger and the assignment of Petitioner's pleaded application was recorded on September 17, 2019 in the USPTO's Assignment Division at Reel 6747/Frame 0440. In view thereof, Certified Origins, Inc. (Delaware) is hereby substituted as a party plaintiff in this proceeding. *See Mason Engineering & Design Corp. v. Matson Chemical Corp.*, 225 USPQ 956, 957 nn.2-3 (TTAB 1985).

¹ Petitioner filed a certificate of service for this motion on October 1, 2019. Petitioner should ensure that all future filings are double-spaced, in compliance with Trademark Rule 2.126(a)(1).

The parties' stipulated motion, filed October 2, 2019, to resume proceedings and to extend disclosure, discovery, and trial dates is granted.² Trademark Rule 2.127(a).³

Proceedings are resumed and trial dates are reset in accordance with the parties' motion, as follows:

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| Expert Disclosures Due | 12/21/2019 |
| Discovery Closes | 1/20/2020 |
| Plaintiff's Pretrial Disclosures Due | 3/5/2020 |
| Plaintiff's 30-day Trial Period Ends | 4/19/2020 |
| Defendant's Pretrial Disclosures Due | 5/4/2020 |
| Defendant's 30-day Trial Period Ends | 6/18/2020 |
| Plaintiff's Rebuttal Disclosures Due | 7/3/2020 |
| Plaintiff's 15-day Rebuttal Period Ends | 8/2/2020 |
| Plaintiff's Opening Brief Due | 10/1/2020 |
| Defendant's Brief Due | 10/31/2020 |
| Plaintiff's Reply Brief Due | 11/15/2020 |
| Request for Oral Hearing (optional) Due | 11/25/2020 |

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,

² 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).

³ This order supersedes the Board order of September 19, 2019 which granted an inadvertently filed suspension request.

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).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.⁴ The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

⁴ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.