

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: May 7, 2018

Cancellation No. 92068094

The Topline Corporation

v.

Gabbiano Luggage Inc.

Karl Kochersperger, Paralegal Specialist:

The Board sent notice of institution of this proceeding to Respondent on March 13, 2018 using an authorized email address, but received a returned copy or notification of non-delivery in paper form.¹ See Trademark Rule 2.118.

After investigation, the Board has obtained a different possible address for Respondent,² and believes that service can be effected by remailing the notice of institution to the following:

**Gabbiano Luggage Inc.
32-20 Miller Street
Flushing, NY 11354**

¹ The Board encourages trademark owners to exercise due diligence in monitoring the status of their applications and registrations, and their correspondence information, online through the USPTO website and databases accessible from the website. Every party is responsible for ensuring that the Board has its current email and correspondence address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. See TBMP § 117.07.

² It appears that the involved registration was assigned to Gabbiano Luggage Inc. from All Around Import right around the time this proceeding was instituted. The caption of this proceeding has been changed to reflect the assignment filed in the Assignment Branch of the Office to Gabbiano Luggage Inc. on March 12, 2018 at Reel 6289/Frame 0976.

Accordingly, the notice of institution is remailed as indicated above.³

Respondent is allowed until forty days from the mailing date of this order in which to file a change of correspondence form through ESTTA informing this Office of its correct email address and/or address. Compliance with Trademark Rule 2.193(3) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, Respondent must so advise the Board and submit copies of the appropriate documents. *See* Trademark Act § 10 and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the petition to cancel is extended to forty days from the mailing date of this order. Notice is hereby given that unless the Respondent listed herein, its assigns or legal representatives, shall enter an appearance, or file an answer or other response to the petition within the time provided in this order, this proceeding may proceed as in the case of default.⁴

If the parties to this proceeding are also parties to any other Board proceedings involving related marks or, during the pendency of this proceeding, become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings. *See* TBMP § 511.

In accordance with the Trademark Rules of Practice, conference, disclosure, discovery and trial dates are reset as indicated below.

³ A copy of the petition to cancel can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

⁴ An answer must be filed through ESTTA. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1). Moreover, all submissions to the Board must be made through ESTTA. *See* Trademark Rule 2.126(a). ESTTA is accessible at <http://estta.uspto.gov>.

Time to Answer	6/16/2018
Deadline for Discovery Conference	7/16/2018
Discovery Opens	7/16/2018
Initial Disclosures Due	8/15/2018
Expert Disclosures Due	12/13/2018
Discovery Closes	1/12/2019
Plaintiff's Pretrial Disclosures Due	2/26/2019
Plaintiff's 30-day Trial Period Ends	4/12/2019
Defendant's Pretrial Disclosures Due	4/27/2019
Defendant's 30-day Trial Period Ends	6/11/2019
Plaintiff's Rebuttal Disclosures Due	6/26/2019
Plaintiff's 15-day Rebuttal Period Ends	7/26/2019
Plaintiff's Opening Brief Due	9/24/2019
Defendant's Brief Due	10/24/2019
Plaintiff's Reply Brief Due	11/8/2019
Request for Oral Hearing (optional) Due	11/18/2019

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 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).