

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

March 28, 2019

Cancellation No. 92070311

Naked Whey Inc.

v.

Glenn Garamella

Lalita Webb, Paralegal Specialist:

Respondent's consented motion filed March 21, 2019, to extend time to file its answer to the petition to cancel is granted.¹ Trademark Rule 2.127(a). An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1).

Accordingly, answer, conference, disclosure, discovery and trial dates, are reset as follows:

Time to Answer	4/20/2019
Deadline for Discovery Conference	5/20/2019
Discovery Opens	5/20/2019
Initial Disclosures Due	6/19/2019
Expert Disclosures Due	10/17/2019

¹ 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).

Discovery Closes	11/16/2019
Plaintiff's Pretrial Disclosures Due	12/31/2019
Plaintiff's 30-day Trial Period Ends	2/14/2020
Defendant's Pretrial Disclosures Due	2/29/2020
Defendant's 30-day Trial Period Ends	4/14/2020
Plaintiff's Rebuttal Disclosures Due	4/29/2020
Plaintiff's 15-day Rebuttal Period Ends	5/29/2020
Plaintiff's Opening Brief Due	7/28/2020
Defendant's Brief Due	8/27/2020
Plaintiff's Reply Brief Due	9/11/2020
Request for Oral Hearing (optional) Due	9/21/2020

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).