

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

LTS

January 13, 2020

Cancellation No. 92071349

NT-MDT LLC

v.

Irina S. Kozodaeva

Lawrence T. Stanley, Jr., Interlocutory Attorney:

On January 9, 2020, Petitioner filed an amended petition to cancel with Respondent's consent.

Pursuant to Fed. R. Civ. P. 15(a)(2), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading with the opposing party's consent or the Board's leave. See TBMP § 507.02 (2019)

Petitioner's motion to amend its petition to cancel was filed with Respondent's consent, and the amended petition (11 TTABVUE 60-89) and exhibits thereto (*id.* at 5-28) is accepted as Petitioner's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(2).

Respondent is allowed until **fourteen days** from the date of this order to file an answer to the amended petition to cancel.

All other dates remain as previously set forth in the Board’s July 9, 2019 order, copied below:

Expert Disclosures Due	1/13/2020
Discovery Closes	2/13/2020
Plaintiff’s Pretrial Disclosures Due	3/30/2020
Plaintiff’s 30-day Trial Period Ends	5/14/2020
Defendant’s Pretrial Disclosures Due	5/29/2020
Defendant’s 30-day Trial Period Ends	7/13/2020
Plaintiff’s Rebuttal Disclosures Due	7/28/2020
Plaintiff’s 15-day Rebuttal Period Ends	8/27/2020
Plaintiff’s Opening Brief Due	10/26/2020
Defendant’s Brief Due	11/25/2020
Plaintiff’s Reply Brief Due	12/10/2020
Request for Oral Hearing (optional) Due	12/21/2020

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).