

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

August 12, 2019

Cancellation No. 92071778

Medsphere Systems Corporation

v.

Koninklijke Philips Electronics N.V.

Joi M. Wilson, Paralegal Specialist:

The Board sent notice of institution of this proceeding to Respondent on July 16, 2019 using an authorized email address, but received a returned copy or notification of non-delivery in paper or electronic form.¹ *See* Trademark Rule 2.118.

After investigation, the Board has obtained a different possible email address/address for Respondent, and believes that service can be effected by re-mailing the notice of institution to the following:

**Koninklijke Philips Electronics N.V.
580 White Plains Road
C/O Philips Electronics North America Corp.
Tarrytown, NY 10591**

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.

Accordingly, the notice of institution is remailed as indicated above.²

Respondent is allowed until **forty days from the 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 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.³

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.

² A copy of the petition to cancel can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

³ 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	9/21/2019
Deadline for Discovery Conference	10/21/2019
Discovery Opens	10/21/2019
Initial Disclosures Due	11/20/2019
Expert Disclosures Due	3/19/2020
Discovery Closes	4/18/2020
Plaintiff's Pretrial Disclosures Due	6/2/2020
Plaintiff's 30-day Trial Period Ends	7/17/2020
Defendant's Pretrial Disclosures Due	8/1/2020
Defendant's 30-day Trial Period Ends	9/15/2020
Plaintiff's Rebuttal Disclosures Due	9/30/2020
Plaintiff's 15-day Rebuttal Period Ends	10/30/2020
Plaintiff's Opening Brief Due	12/29/2020
Defendant's Brief Due	1/28/2021
Plaintiff's Reply Brief Due	2/12/2021
Request for Oral Hearing (optional) Due	2/22/2021

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).