

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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January 30, 2020

Cancellation No. 92072326

*Hi-Tech Pharmaceuticals, Inc.*

*v.*

*Natural Supplement Association,  
Incorporated DBA Experimental And Applied  
Science, Inc.*

**Karl Kochersperger, Paralegal Specialist:**

Proceedings herein have been suspended pending determination of Respondent's motion, filed December 9, 2019, to set aside notice of default, issued November 9, 2019. Petitioner has not filed a response to Respondent's motion.

Accordingly, Respondent's motion is granted as uncontested, the notice of default is set aside, and proceedings herein are resumed. Applicant's answer filed December 9, 2019 is noted and accepted as Applicant's operative pleading herein.<sup>1</sup>

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

Deadline for Discovery Conference	2/29/2020
Discovery Opens	2/29/2020
Initial Disclosures Due	3/30/2020
Expert Disclosures Due	7/28/2020
Discovery Closes	8/27/2020
Plaintiff's Pretrial Disclosures Due	10/11/2020

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<sup>1</sup> The appearance and change of correspondence address filed for Respondent on December 9, 2019 are noted and the proceeding file has been updated to reflect the change.

Plaintiff's 30-day Trial Period Ends	11/25/2020
Defendant's Pretrial Disclosures Due	12/10/2020
Defendant's 30-day Trial Period Ends	1/24/2021
Plaintiff's Rebuttal Disclosures Due	2/8/2021
Plaintiff's 15-day Rebuttal Period Ends	3/10/2021
Plaintiff's Opening Brief Due	5/9/2021
Defendant's Brief Due	6/8/2021
Plaintiff's Reply Brief Due	6/23/2021
Request for Oral Hearing (optional) Due	7/3/2021

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, 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).

#### **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.<sup>2</sup> 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.

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<sup>2</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.