

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 18, 2020

Cancellation No. 92072813

Meijer, Inc.

v.

Special Medical, LLC

Lalita Webb, Paralegal Specialist:

No answer having been timely received, the Board issued notice of default to Respondent, on January 11, 2020, allowing it thirty days in which to show cause why judgment should not be entered against it. Now before the Board is Respondent's consented motion filed February 26, 2020, to extend time to file the answer to the petition to cancel and a motion to set aside the notice of default.

In view thereof, the motion filed February 26, 2020, is granted and the notice of default is set aside.

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 and trial dates, including conferencing and disclosure dates, are reset as indicated below:

Time to Answer

4/26/2020

Deadline for Discovery Conference	5/26/2020
Discovery Opens	5/26/2020
Initial Disclosures Due	6/25/2020
Expert Disclosures Due	10/23/2020
Discovery Closes	11/22/2020
Plaintiff's Pretrial Disclosures Due	1/6/2021
Plaintiff's 30-day Trial Period Ends	2/20/2021
Defendant's Pretrial Disclosures Due	3/7/2021
Defendant's 30-day Trial Period Ends	4/21/2021
Plaintiff's Rebuttal Disclosures Due	5/6/2021
Plaintiff's 15-day Rebuttal Period Ends	6/5/2021
Plaintiff's Opening Brief Due	8/4/2021
Defendant's Brief Due	9/3/2021
Plaintiff's Reply Brief Due	9/18/2021
Request for Oral Hearing (optional) Due	9/28/2021

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.¹ 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.

¹ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.