

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Bukrinsky

May 13, 2020

Cancellation No. 92073076

*InTouch Technologies, Inc. dba InTouch  
Health*

*v.*

*GlobalMedia Group, LLC DBA GlobalMed*

**Denise M. DelGizzi,  
Chief Clerk of the Board:**

The stipulated protective agreement filed on April 1, 2020 is noted and its use in this proceeding is approved.<sup>1</sup> See Trademark Rule 2.116(g). The parties are referred, as appropriate, to TBMP §§ 412.04 (Filing Confidential Materials With Board), and 412.05 (Handling of Confidential Materials by the Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not

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<sup>1</sup> The filing does not include proof of service. Trademark Rule 2.119(a) states that every submission filed in an inter partes proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. See TBMP § 113.02. The Board may decline to read or consider any future submission in this proceeding which does not include proof of service.

At this time, in order to expedite matters, and because the interests of the parties would be served thereby, the submission may be accessed via TTABVUE at:  
<http://ttabvue.uspto.gov/ttabvue/v?pno=92073076&pty=CAN&eno=11>

be used as a means of circumventing Trademark Rules 2.27(d) and (e), which provide that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection. The Board may treat as not confidential that material which cannot reasonably be considered confidential, notwithstanding a designation as such by a party. *See* Trademark Rule 2.116(g).

The parties' consent motion for suspension for settlement, filed April 24, 2020, is **granted as modified below**.

Proceedings to resume on **7/24/2020**

Time to Answer	7/24/2020
Deadline for Discovery Conference	8/23/2020
Discovery Opens	8/23/2020
Initial Disclosures Due	9/22/2020
Expert Disclosures Due	1/20/2021
Discovery Closes	2/19/2021
Plaintiff's Pretrial Disclosures Due	4/5/2021
Plaintiff's 30-day Trial Period Ends	5/20/2021
Defendant's Pretrial Disclosures Due	6/4/2021
Defendant's 30-day Trial Period Ends	7/19/2021
Plaintiff's Rebuttal Disclosures Due	8/3/2021
Plaintiff's 15-day Rebuttal Period Ends	9/2/2021
Plaintiff's Opening Brief Due	11/1/2021
Defendant's Brief Due	12/1/2021
Plaintiff's Reply Brief Due	12/16/2021
Request for Oral Hearing (optional) Due	12/26/2021

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

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

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time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.