

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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Baxley

July 20, 2020

Cancellation No. 92073643

Engage Health, Inc.

v.

ClinicalMind, LLC

Andrew P. Baxley, Interlocutory Attorney:

Applicant's motion (filed May 29, 2020) to reopen time to answer is granted as conceded. *See* Trademark Rule 2.127(a). Accordingly, the notice of default that the Board issued on April 30, 2020 is set aside. *See* Fed. R. Civ. P. 55(c); TBMP § 312.02 (2020).

Proceedings are resumed. Dates are reset as follows.

Time to Answer	8/20/2020
Deadline for Discovery Conference	9/19/2020
Discovery Opens	9/19/2020
Initial Disclosures Due	10/19/2020
Expert Disclosures Due	2/16/2021
Discovery Closes	3/18/2021
Plaintiff's Pretrial Disclosures Due	5/2/2021
Plaintiff's 30-day Trial Period Ends	6/16/2021
Defendant's Pretrial Disclosures Due	7/1/2021
Defendant's 30-day Trial Period Ends	8/15/2021
Plaintiff's Rebuttal Disclosures Due	8/30/2021
Plaintiff's 15-day Rebuttal Period Ends	9/29/2021
Plaintiff's Opening Brief Due	11/28/2021

Defendant's Brief Due	12/28/2021
Plaintiff's Reply Brief Due	1/12/2022
Request for Oral Hearing (optional) Due	1/22/2022

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).