

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
TTAB Assistance Center: 571-272-8500
General Email: TTABInfo@uspto.gov

August 7, 2021

Cancellation No. 92077227

Ole Mexican Foods, Inc.

v.

Especies Exoticas Esxot Cia. Ltda.

Karl Kochersperger, Paralegal Specialist:

On May 25, 2021, the Board forwarded a notice of institution of this proceeding to Petitioner. On July 29, 2021, Petitioner filed a consented motion for leave to amend its petition for cancellation and an amended petition to cancel.

Inasmuch as Respondent's consent is of record, Petitioner's amended petition to cancel is accepted as Petitioner's operative pleading in this proceeding.

Respondent is allowed until thirty days from the date of this order to file an answer to the amended petition to cancel.

Conferencing, discovery and trial dates are reset as follows:

Time to Answer	9/6/2021
Deadline for Discovery Conference	10/6/2021
Discovery Opens	10/6/2021
Initial Disclosures Due	11/5/2021
Expert Disclosures Due	3/5/2022
Discovery Closes	4/4/2022
Plaintiff's Pretrial Disclosures Due	5/19/2022
Plaintiff's 30-day Trial Period Ends	7/3/2022

Defendant's Pretrial Disclosures Due	7/18/2022
Defendant's 30-day Trial Period Ends	9/1/2022
Plaintiff's Rebuttal Disclosures Due	9/16/2022
Plaintiff's 15-day Rebuttal Period Ends	10/16/2022
Plaintiff's Opening Brief Due	12/15/2022
Defendant's Brief Due	1/14/2023
Plaintiff's Reply Brief Due	1/29/2023
Request for Oral Hearing (optional) Due	2/8/2023

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).