

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

October 5, 2021

Cancellation No. 92077934

Glydways, Inc.

v.

GLYD, INC

Andrew P. Baxley, Interlocutory Attorney:

On September 27, 2021, Respondent filed a motion to extend time to answer. On September 30, 2021, Petitioner's attorney stated by telephone that it did not consent to Respondent's motion, but did not intend to oppose it.

In view thereof, the motion to extend is granted to the extent modified by this order.¹ Dates are reset as follows.

Time to Answer	11/9/2021
Deadline for Discovery Conference	12/9/2021
Discovery Opens	12/9/2021
Initial Disclosures Due	1/8/2022
Expert Disclosures Due	5/8/2022
Discovery Closes	6/7/2022
Plaintiff's Pretrial Disclosures Due	7/22/2022
Plaintiff's 30-day Trial Period Ends	9/5/2022
Defendant's Pretrial Disclosures Due	9/20/2022

¹ If, as the reset deadline for Respondent's answer approaches, Respondent believes that it needs additional time to answer, Respondent may file a renewed motion to extend time to answer.

Defendant's 30-day Trial Period Ends	11/4/2022
Plaintiff's Rebuttal Disclosures Due	11/19/2022
Plaintiff's 15-day Rebuttal Period Ends	12/19/2022
Plaintiff's Opening Brief Due	2/17/2023
Defendant's Brief Due	3/19/2023
Plaintiff's Reply Brief Due	4/3/2023
Request for Oral Hearing (optional) Due	4/13/2023

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).

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.² 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.

² To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.