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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92081595
Party	Plaintiff Mercury One, Inc.
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Submission	Other Motions/Submissions
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Signature	/D. Scott Hemingway/
Date	05/07/2024
Attachments	Notice.Pet.Pretrial.Disclosure.05.6.24.vfinal.pdf(199132 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND
APPEAL BOARD**

Cancellation No.: 92081595

In the matter of:

1. Reg. No. 6,008,523; word mark HONEST HISTORY Filed: April 19, 2018, Registration Date: March 10, 2020
2. Reg. No. 6,504,087; word mark HONEST HISTORY Filed: October 22, 2020, Registration Date: September 28, 2021
3. Reg. No. 6,504,088; word mark HONEST HISTORY Filed: October 22, 2020, Registration Date: September 28, 2021

***MERCURY ONE, INC.,
PETITIONER/PLAINTIFF,
V.
HONEST HISTORY CO.,
RESPONDENT/DEFENDANT.***

**PETITIONER/PLAINTIFF MERCURY ONE, INC. NOTICE OF
SERVICE OF PRETRIAL DISCLOSURES PURSUANT TO
37 C.F.R. §2.121(e) AND TBMP §702**

Petitioner Mercury One, Inc. (herein Petitioner or Mercury One) hereby provides notice to the TTAB that Petitioner served Respondent on May 6, 2024 with its Pretrial Disclosures in accordance with TBMP §702 and Fed. R. Civ. P. 26(a)(3) (“Rule 26”).

The deadline to serve its Pretrial Disclosure was set in the last Scheduling Order as May 6, 2024. The TTAB is currently considering Petitioner’s Motion to De-Classify confidential designations in this matter. The TTAB issued a suspension notice of the proceedings on March 25, 2024. *Order, Paper 14, March 25, 2024*. The March 25, 2024 Suspension Notice indicates there is suspension of consideration of any non-germane papers filed, but there is no suspension or tolling of certain other deadlines and discovery obligations. *Id.* (“The suspension order does not toll the time for either party to respond to any outstanding discovery or to serve expert disclosures.”).

While the dates on the Scheduling Order for taking trial testimony and subsequent trial related dates are viewed as suspended because those dates are not related to disclosure and discovery deadline obligations, Plaintiff Mercury One is uncertain whether the submission of the

Pretrial Order deadline in the Scheduling Order falls within the category of tolled deadlines as it could be considered a discovery obligation and/or a disclosure deadline.

Out an abundance of caution (and reserving all rights to serve these disclosures or re-serve these disclosures later), Mercury One served its Pretrial Disclosures within the May 6, 2024 deadline in the event the deadline for submission of same is considered to have been outside the tolled dates in the Suspension Order. If the TTAB views the deadline to serve pretrial disclosures to be tolled or suspended by the March 25, 2024 Suspension Order, Petitioner reserves the right to re-serve or supplement these disclosures in the future.

Dated: May 7, 2024

Respectfully submitted,

/D. Scott Hemingway/
D. Scott Hemingway
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 2.119, I hereby certify that a true and complete copy of the foregoing Notice of Service of Mercury One Pretrial Disclosures has been served on counsel listed below by D. Scott Hemingway, Esq., by forwarding said copy on May 7, 2024, via email to:

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Dated: May 7, 2024

/D. Scott Hemingway/
D. Scott Hemingway