

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

June 20, 2023

Cancellation No. 92082435

Retrobrands America LLC

v.

Coppertone LLC

Veronica P. White, Lead Paralegal Specialist:

On June 16, 2023, Petitioner filed an amended petition to cancel. 4 TTABVUE.

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier. *See* Trademark Rule 2.107 TBMP § 507.01.

Petitioner's amended petition to cancel was filed as a matter of course, and is accepted as Petitioner's operative pleading in this proceeding. *See* Fed. R. Civ. P. 15(a)(1)(B). Respondent is allowed until July 30, 2023 in which to file an answer to the amended petition to cancel.

The proceeding schedule is reset as follows:

Time to Answer Amended Pleading	7/30/2023
Deadline for Discovery Conference	8/29/2023
Discovery Opens	8/29/2023
Initial Disclosures Due	9/28/2023
Expert Disclosures Due	1/26/2024
Discovery Closes	2/25/2024
Plaintiff's Pretrial Disclosures Due	4/10/2024
Plaintiff's 30-day Trial Period Ends	5/25/2024
Defendant's Pretrial Disclosures Due	6/9/2024
Defendant's 30-day Trial Period Ends	7/24/2024
Plaintiff's Rebuttal Disclosures Due	8/8/2024
Plaintiff's 15-day Rebuttal Period Ends	9/7/2024
Plaintiff's Opening Brief Due	11/6/2024
Defendant's Brief Due	12/6/2024
Plaintiff's Reply Brief Due	12/21/2024
Request for Oral Hearing (optional) Due	12/31/2024

IMPORTANT TRIAL AND BRIEFING INSTRUCTIONS

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). **The briefs should cite to the TTABVue record created during trial by**

docket entry and page number - e.g., 8 TTABVUE 3 - to facilitate the Board's review of the evidence at final hearing. See TBMP § 801.03. 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).