

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

March 5, 2024

Cancellation No. 92084110

Asor Fund (RA)

v.

Givable

Ellen Yowell, Lead Paralegal Specialist:

The Board's order dated February 26, 2024 is modified as set forth below.

On February 26, 2024, Respondent filed a consented motion for extension.¹ The Board notes that Respondent has not yet filed an answer to the petition to cancel.² However, Respondent's motion failed to include a due date for its answer.

When ESTTA filers use the "Consent Motions" filing option, the resulting order issued by ESTTA should be checked carefully to ensure that the parties receive the new deadline or schedule they anticipated when making the filing. If any deadline or dates in the resulting order do not comport with the parties' expectations or create

¹ Respondent's change of correspondence address filed on February 23, 2024 is noted.

² Respondent's answer to the petition to cancel was due on February 18, 2024. In the motion, the Respondent states that the parties are engaged in settlement discussions and Respondent did not receive a copy of the petition to cancel until February 22, 2024. In view thereof, Respondent's technical default for failure to file an answer or a further motion to extend by February 18, 2024 is set aside.

uncertainty about the schedule for the case, then the parties should strongly consider filing a superseding stipulation or agreed-upon motion through the “Opposition, Cancellation or Concurrent Use (general filings)” filing option.

In view of the circumstances, the proceeding schedule is modified as follows:

Time to Answer	3/19/2024
Deadline for Discovery Conference	4/18/2024
Discovery Opens	4/18/2024
Initial Disclosures Due	5/18/2024
Expert Disclosures Due	9/15/2024
Discovery Closes	10/15/2024
Plaintiff's Pretrial Disclosures Due	11/29/2024
Plaintiff's 30-day Trial Period Ends	1/13/2025
Defendant's Pretrial Disclosures Due	1/28/2025
Defendant's 30-day Trial Period Ends	3/14/2025
Plaintiff's Rebuttal Disclosures Due	3/29/2025
Plaintiff's 15-day Rebuttal Period Ends	4/28/2025
Plaintiff's Opening Brief Due	6/27/2025
Defendant's Brief Due	7/27/2025
Plaintiff's Reply Brief Due	8/11/2025
Request for Oral Hearing (optional) Due	8/21/2025

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.³ 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.

³ To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.