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

March 4, 2026

Cancellation No. 92090531

Cryosurgery, Inc.

v.

Basic Brands, Inc.

Karl Kochersperger, Paralegal Specialist:

The Board sent notice of institution of this proceeding to Respondent on January 5, 2026 using an authorized mailing address, but received a returned copy or notification of non-delivery in paper form.[1] *See* Trademark Rule 2.118. On February 6, 2026, proceedings herein were suspended in an attempt to effect service by publication in the Official Gazette. The change of correspondence address filed February 27, 2026 for Respondent is noted and entered.

As Respondent has now hired counsel, service can be effected by remailing the notice of institution to the following:

Beverly A. Marsh

[1] The Board encourages trademark owners to exercise due diligence in monitoring the status of their applications and registrations, and their correspondence information, online through the USPTO website and databases accessible from the website. Every party is responsible for ensuring that the Board has its current email and correspondence address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. *See* TBMP § 117.07.

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6300 Riverside Drive
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Accordingly, the notice of institution is remailed as indicated above.[2]

If there has been any transfer of interest in the involved registration, Respondent must so advise the Board and submit copies of the appropriate documents. *See* Trademark Act § 10 and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the petition to cancel is extended to **sixty (60) days from the date of this order**. Notice is hereby given that unless the Respondent listed herein, its assigns or legal representatives, shall enter an appearance, or file an answer or other response to the petition within the time provided in this order, this proceeding may proceed as in the case of default.[3]

If the parties to this proceeding are also parties to any other Board proceedings involving related marks or, during the pendency of this proceeding, become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings. *See* TBMP § 511.

In accordance with the Trademark Rules of Practice, conference, disclosure, discovery and trial dates are reset as indicated below.

Time to Answer	5/3/2026
Deadline for Discovery Conference	6/2/2026
Discovery Opens	6/2/2026
Initial Disclosures Due	7/2/2026
Expert Disclosures Due	10/30/2026
Discovery Closes	11/29/2026

[2] A copy of the petition to cancel can be viewed using TTABVUE at http://ttabvue.uspto.gov.
[3] An answer must be filed through ESTTA. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1). Moreover, all submissions to the Board must be made through ESTTA. *See* Trademark Rule 2.126(a). ESTTA is accessible at http://estta.uspto.gov.

Plaintiff's Pretrial Disclosures Due	1/13/2027
Plaintiff's 30-day Trial Period Ends	2/27/2027
Defendant's Pretrial Disclosures Due	3/14/2027
Defendant's 30-day Trial Period Ends	4/28/2027
Plaintiff's Rebuttal Disclosures Due	5/13/2027
Plaintiff's 15-day Rebuttal Period Ends	6/12/2027
Plaintiff's Opening Brief Due	8/11/2027
Defendant's Brief Due	9/10/2027
Plaintiff's Reply Brief Due	9/25/2027
Request for Oral Hearing (optional) Due	10/5/2027

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, matters in evidence, the manner and timing of taking testimony, 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.[4] 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.

[4] To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.