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

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July 1, 2026

Cancellation No. 92091526

Heygo, Inc.

v.

Virtualtrips Limited

Jill M. McCormack, Interlocutory Attorney:

On April 23, 2026, Petitioner filed its petition to cancel Respondent's Registration No. 6959280 as to International Classes 9, 42, and 45. Petitioner paid the required fees to petition to cancel three classes. On April 29, 2026, Petitioner filed an amended petition to cancel that seeks to add International Classes 38 and 41. Petitioner did not pay any additional fees, so the Board did not accept the amended pleading.

On June 24, 2026, Petitioner refiled its amended petition to cancel.[1] As an initial matter, Petitioner's submission does not include proper proof of service of the submission on Respondent. All submissions to the Board must comply with the Board's rules regarding service. *See* Trademark Rule 2.119(a)-(b). With limited exception, service must be made by email. Petitioner is warned that future submissions that do not comply with the Board's rules regarding service may be

[1] On May 26, 2026, Petitioner paid the fees to add two classes to the amended petition.

denied consideration. Nevertheless, to avoid delay, and because Respondent will be given additional time to file an answer, the Board will exercise its discretion to consider the submission.

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 2.107/2.115; TBMP § 507.01. However, as a practical matter, because the time to answer set by the Board's institution order is 60 days, a plaintiff may amend its complaint once as a matter of course beyond the initial 21 days from serving it until the defendant files either an answer or a motion under Fed. R. Civ. P. 12(b), (e) or (f). *See* TBMP § 507.02.

As a result, 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)(A) and (B).

Respondent is allowed until **July 31, 2026** to file an answer to the amended petition to cancel.

Conferencing, discovery and trial dates are reset as follows:

Time to Answer	7/31/2026
Deadline for Discovery Conference	8/30/2026
Discovery Opens	8/30/2026
Initial Disclosures Due	9/29/2026
Expert Disclosures Due	1/27/2027

Discovery Closes	2/26/2027
Plaintiff's Pretrial Disclosures Due	4/12/2027
Plaintiff's 30-day Trial Period Ends	5/27/2027
Defendant's Pretrial Disclosures Due	6/11/2027
Defendant's 30-day Trial Period Ends	7/26/2027
Plaintiff's Rebuttal Disclosures Due	8/10/2027
Plaintiff's 15-day Rebuttal Period Ends	9/9/2027
Plaintiff's Opening Brief Due	11/8/2027
Defendant's Brief Due	12/8/2027
Plaintiff's Reply Brief Due	12/23/2027
Request for Oral Hearing (optional) Due	1/2/2028

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). Such briefs should utilize citations to the TTABVUE record created during trial, to facilitate the Board's review of the evidence at final hearing. 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).