

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

September 20, 2023

Opposition No. 91270030

Nut Dust Ltd.

v.

Philip Wemer

Karl Kochersperger, Paralegal Specialist:

Proceedings herein have been suspended pending determination of Applicant's motion, filed August 15, 2023, to set aside notice of default, issued August 14, 2023. Opposer has not filed a response to Applicant's motion. Accordingly, Applicant's motion is granted as uncontested, the notice of default is set aside, proceedings herein are resumed and Applicant's answer also filed August 15, 2023 is noted.¹

The conference, disclosure, discovery and trial dates are reset as follows:

Plaintiff's Pretrial Disclosures Due	10/16/2023
Plaintiff's 30-day Trial Period Ends	11/30/2023
Defendant's Pretrial Disclosures Due	12/15/2023
Defendant's 30-day Trial Period Ends	1/29/2024
Plaintiff's Rebuttal Disclosures Due	2/13/2024
Plaintiff's 15-day Rebuttal Period Ends	3/14/2024
Plaintiff's Opening Brief Due	5/13/2024
Defendant's Brief Due	6/12/2024
Plaintiff's Reply Brief Due	6/27/2024
Request for Oral Hearing (optional) Due	7/7/2024

¹ Applicant's motion to extend (also filed August 15, 2023) its time to file late answer is noted.

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:**

Opposition No. 91270030

Parties are strongly encouraged to check the entire document before filing.² 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.

² To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.