

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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Mailed: February 27, 2008

Opposition No. 91158951

Precision Trading Corp.

v.

**BSH Home Appliances
Corporation**

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Opposer's consented motion filed February 19, 2008 to suspend and extend trial dates, is noted.

The Board notes that there are deficiencies in opposer's request. Opposer has failed to include counterclaim dates in its request.¹ The parties' have been reminded in two separate Board orders, that extension requests may not be considered if they are not in compliance with Trademark Rule 2.121(d). This rule states

¹ The parties cannot use the automatic calculator available for consented scheduling motions when there is a counterclaim. The proper procedure is to file the consented motion under "general" filings and include an agreed-upon schedule reflecting the counterclaim. A Board paralegal will then formally grant the consented motion. (The parties are reminded that consented motions to extend, reopen or suspend the schedule are ordinarily granted by the Board. See TBMP §509.02 (2d ed. rev. 2004). Thus, even if the Board does not immediately grant any such consented motions, the parties are expected to act within the time they request.)

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that if the parties' stipulate to any extension of trial counterclaim dates, the filing should set forth the dates in the form of a trial order including all dates.

It is also noted that opposer did not provide a showing of good cause which has been requested by the Board. See Fed. R. Civ. P. 6(b)(1)(A); and Trademark Rule 2.117(c). Insofar as this proceeding has been pending for over four years, the parties are to report on the status of their settlement discussions or otherwise make a showing of good cause. While early in a proceeding the recitation that the parties are exploring or discussing settlement is sufficient to establish good cause for an extension or suspension of the schedule, as time goes by, additional information is needed to establish facts supporting a good cause showing. (The parties are not to include any confidential information and materials in their "report.")

Accordingly, opposer's request to extend is denied without prejudice. The parties are allowed until **THIRTY DAYS** from the mailing date to provide additional information in support of the latest request to extend dates. In the meantime, proceedings are suspended.

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