

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

wbc

Mailed: October 28, 2014

Opposition No. 91164764

Brink's Network, Incorporated

v.

The Brinkmann Corporation

Wendy Boldt Cohen, Interlocutory Attorney:

On October 14, 2014 Opposer filed a consented motion to suspend proceedings for settlement negotiations. These proceedings have been suspended since at least September 18, 2012 for settlement negotiations¹ and based on the record before the Board, it is apparent that the parties have been granted a reasonable amount of time to settle this case, yet this case has not been settled. *See* TBMP § 510.03(a) (2014) (“[T]he Board may, in its discretion, deny further suspension when the parties have already been granted a reasonable time to settle the case and it does not appear that further suspension is likely to result in resolution of the dispute”); *Cf. Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 73 USPQ2d 1350, 1353 n.2 (Fed. Cir. 2004).

¹ The Board first suspended proceedings for settlement negotiations in its September 18, 2012 order and proceedings were last suspended in the Board's August 30, 2014 order.

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In view of the proceeding history, the Board, in its inherent authority to control its docket, **denies** the motion to suspend and will not entertain any further motions to suspend for settlement. *See* TBMP § 510.03.

Proceedings are resumed. Dates are reset as follows:

30-day testimony period for party in position of plaintiff in the cancellation to close:	January 5, 2015
30-day testimony period for defendant in the cancellation and as plaintiff in the counterclaim to close:	March 6, 2015
30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the cancellation to close:	May 5, 2015
15-day rebuttal testimony period for plaintiff in the counterclaim to close:	June 19, 2015
Briefs shall be due as follows: [See Trademark rule 2.128(a)(2)].	
Brief for plaintiff in the cancellation shall be due:	August 18, 2015
Brief for defendant in the cancellation and as plaintiff in the counterclaim shall be due:	September 17, 2015
Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff in the cancellation shall be due:	October 17, 2015
Reply brief (if any) for plaintiff in the counterclaim shall be due:	November 1, 2015

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty

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days after completion of the taking of testimony. *See* Trademark Rule 2.125; 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.