

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

Mailed: November 15, 2010

Opposition No. 91184127

Rudolf Wild GmbH & Co. KG,
and
WILD Flavors, Inc.

v.

Wild Rocket Foods LLC

**Robert H. Coggins,
Interlocutory Attorney:**

Current Suspension

Opposer's consented motion for suspension (filed November 11, 2010) is granted to the extent modified herein. Because the parties are negotiating for possible settlement of the case, proceedings are suspended until May 9, 2011, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c). The time to answer is reset according to the schedule provided later in this order.

Answer and Conference Required

The Board notes that this opposition proceeding has been pending for two and a half years but no answer has been filed, and the current motion to suspend is for an

additional six months, taking the time to answer to the three-year mark.

The Board presumes that the parties' representations of settlement efforts have been made in good faith, and that the parties are indeed engaged in active, bilateral efforts to resolve this matter. However, given that such efforts have been unsuccessful to date, the Board does not believe that further time for this purpose would be appropriate or useful. Accordingly, at the end of the suspension period granted herein, applicant must file an answer and the parties must conduct the required conference under Trademark Rule 2.120(a)(2).

Future Reports Required

Only after the answer is of record (by May 10, 2011) and the parties have held the mandatory conference (by June 9, 2011) will the Board entertain any further motion to extend or suspend time. Any further requests to reopen, extend, or suspend time must be accompanied by a detailed report on the progress of the parties' settlement talks to establish good cause for any reopening, extension, or suspension. This report must be signed by both parties and include a recitation of (1) how the parties have used the time previously allowed for settlement, including dates and times at which the parties or counsel have met, corresponded, or spoken regarding settlement; (2) a list of

issues which have been resolved and which remain for trial;
and (3) a timetable for the resolution of this matter.

Absent such a report, the Board will look with disfavor on any future motions to reopen, extend or suspend, even those stipulated by the parties.

Dates Reset

In the event that there is no word from either party concerning the progress of their current negotiations, upon conclusion of the suspension period proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Proceedings Resume	5/9/2011
Firm Deadline to Answer	5/10/2011
Firm Deadline for Discovery Conference	6/9/2011
Discovery Opens	6/9/2011
Initial Disclosures Due	7/9/2011
Expert Disclosures Due	11/6/2011
Discovery Closes	12/6/2011
Plaintiff's Pretrial Disclosures	1/20/2012
Plaintiff's 30-day Trial Period Ends	3/5/2012
Defendant's Pretrial Disclosures	3/20/2012
Defendant's 30-day Trial Period Ends	5/4/2012
Plaintiff's Rebuttal Disclosures	5/19/2012
Plaintiff's 15-day Rebuttal Period Ends	6/18/2012

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 days after completion of the taking of testimony. Trademark Rule 2.125. Briefs

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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.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.