

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

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Mailed: July 23, 2013

Opposition No. 91184803

Converse Inc.

v.

Unit Enterprises Pty. Ltd.

**Denise M. DelGizzi,
Technical Program Manager:**

FINAL SUSPENSION ORDER ABSENT EXTRAORDINARY CIRCUMSTANCES

Extensions and suspensions account for almost five years of delay in this proceeding for settlement discussions. Each motion alleged that the parties were engaged in discussions aimed at a possible settlement of this dispute. On November 28, 2011, the Board granted the parties' October 18, 2011 motion for an extension or suspension pending settlement negotiation. The Board also required the parties to file a progress report with all future motions for extension of time or suspension pending settlement negotiations. The subsequent motions report some progress in the parties' negotiations (numerous discussions and communications to discuss the terms of

their settlement agreement, change of counsel, draft agreement exchange, etc.), although a final resolution has not been reached and it remains unclear if and when that will happen. Nonetheless, each motion was granted by the Board.

On the April 13, 2012, the Board granted the parties' consented motion to further suspend proceedings and reminded the parties that any further extensions or suspension will not be granted absent a showing of sufficient progress towards settlement.

On July 16, 2012, November 12, 2012, January 9, 2013, March 8, 2013, April 9, 2013, and June 6, 2013, the parties filed further extensions and suspension of time without a showing of progress as required by the Board in its prior order dated April 13, 2012.

As mentioned above, this proceeding has been pending for almost five years. There is no doubt that more than a five-year delay qualifies as an inordinate amount of time to settle a dispute, and although the Board does not dispute that the delay is justifiable, inasmuch as the parties have been involved in what the Board assumes to have been an earnest and good-faith, but as yet unsuccessful effort towards settlement, it does not appear

to the Board that further suspension for settlement purposes would be useful or appropriate.

The Board urges the parties to continue their discussion notwithstanding the Board's misgivings about the utility of further extensions or suspensions, but given the glacial pace of their progress to date, proceedings herein are resumed on the schedule set out in the parties' June 11, 2013 motion, as copied below. Further extension or suspension for the purposes of settlement discussion will not be granted absent a showing of extraordinary circumstances.

Expert Disclosures Due	8/10/2013
Discovery Closes	9/9/2013
Plaintiff's Pretrial Disclosures Due	10/24/2013
Plaintiff's 30-day Trial Period Ends	12/08/2013
Defendant's Pretrial Disclosures Due	12/23/2013
Defendant's 30-day Trial Period Ends	2/06/2014
Plaintiff's Rebuttal Disclosures Due	2/21/2014
Plaintiff's 15-day Rebuttal Period Ends	3/23/2014

In each instance, a copy of the transcript of the 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.

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