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

Mailed: January 23, 2009

Opposition No. **91187042**

Unifine F&Bi B.V., besloten vennootschap

v.

ZENTIS GmbH & Co. KG

Linda Skoro, Interlocutory Attorney

The parties' renewed stipulated motion filed June 17, 2008 to suspend proceedings for ninety days is noted.

In the motion the parties seek time to negotiate settlement. It is noted that the deadline for the parties to conduct a discovery conference is January 30, 2009. As noted in the Board's order denying this suspension on January 15, 2009, the parties were reminded that the Trademark Rules place on the parties a shared responsibility to conference to discuss the scope of the pleadings, the possibility of settlement and planning for disclosures and discovery, as explained in the notice of institution.

While it is the policy of the Board to refuse suspension for settlement negotiations after answer and prior to the actual conduct of a discovery conference,[1]

[1] This is due to the fact that the discovery conference is deisgned to also allow the parties to explore the possibility of

because the parties involved in these proceedings have been in communication to the extent that each has signed the suspension agreement, and the additional facts provided indicating the multi-jurisidictional nature of this dispute, the suspension request is hereby granted.[2]

Because the parties may not, under the applicable rules, engage in discovery activities without first making the required initial disclosures,[3] which are required after the discovery conference, all subsequent dates are reset as set out in the parties' stipulated motion, with the deadline for the discovery conference set at April 30, 2009.

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NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on

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settlement as part of discussing the parameters of the needed discovery by the parties and the initial disclosures, and that the trial schedule is set from the date the answer is due.

[2] In the future, the better practice is to inform the Board that the discovery conference has indeed been conducted to the extent the parties have agreed to suspension and seek to work toward settlement.

[3] It is hoped that during this suspension the parties discuss discovery plans, if they have not already done so, should they not achieve a settlement when proceedings resume.

the USPTO website via these web addresses:
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm