

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

gcp

Mailed: January 3, 2011

Opposition No. 91189169

Natural Couture, Inc.

v.

Xtreme Couture, Inc

By the Trademark Trial and Appeal Board:

By order dated November 15, 2010, the Board allowed opposer time in which to show cause why the Board should not treat opposer's failure to file a brief in this matter as a concession of this case. Additionally, by the same order, the Board allowed opposer time in which to show cause why judgment should not be entered against opposer in light of its failure to prosecute this case.

On December 15, 2010 and in response to the Board's November 15, 2010 show cause order, opposer filed a consented motion to suspend this case for sixty days and upon resumption to reset trial dates beginning with the deadline for the parties' discovery conference. The Board construes opposer's consented motion as one to suspend and to reopen trial dates upon resumption.

In view of opposer's response, the Board's show cause orders predicated on opposer's failure to file a brief and failure to prosecute are hereby set aside.

The Board, however, denies without prejudice, opposer's consented motion to the extent the parties seek to suspend this case for settlement. Based upon opposer's December 15, 2010 filing, it appears that the parties have yet to conduct their required discovery conference. As such, the Board will not suspend proceedings for settlement until the parties conduct their discovery conference since one of the purposes of the discovery conference is to discuss settlement. Once the parties conduct their discovery by the deadline set forth below, the parties may file a consented motion to suspend for settlement, if they so choose.

Notwithstanding the foregoing, trial dates are reset as follows:

Deadline for Discovery Conference	1/16/2011
Discovery Opens	1/16/2011
Initial Disclosures Due	2/15/2011
Expert Disclosures Due	6/15/2011
Discovery Closes	7/15/2011
Plaintiff's Pretrial Disclosures	8/29/2011
Plaintiff's 30-day Trial Period Ends	10/13/2011
Defendant's Pretrial Disclosures	10/28/2011
Defendant's 30-day Trial Period Ends	12/12/2011
Plaintiff's Rebuttal Disclosures	12/27/2011
Plaintiff's 15-day Rebuttal Period Ends	1/26/2012

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