

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

Mailed: March 3, 2012

Opposition No. 91191097

Eden Foods, Inc.

v.

Arthur Schuman, Inc.

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

The parties' stipulated motion (filed February 10, 2012) to suspend proceedings to accommodate settlement efforts is granted. However, any future motion to extend, suspend, or reopen must be accompanied by a detailed report specifically listing the dates on which the parties have corresponded since February 10, 2012, the means of such correspondence (e.g., email, telephone, in person, etc.), and the general nature of the correspondence.

The Board's October 25, 2011 order required that all future motions must contain a detailed report on the parties' settlement efforts since the date of the then-latest motion; however, the current motion fails to provide such a detailed

report, and instead generally states that new issues were raised late in the settlement process.¹

Proceedings are suspended through May 8, 2012, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the detailed progress of their 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	5/9/2012
Defendant's Pretrial Disclosures	5/9/2012
Defendant's 30-day Trial Period Ends	6/23/2012
Plaintiff's Rebuttal Disclosures	7/8/2012
Plaintiff's 15-day Rebuttal Period Ends	8/7/2012

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 Rules 2.128(a)

¹The Board notes that on December 9, 2011, applicant filed an ESTTA consent motion form to extend time, which motion was automatically granted by ESTTA. Applicant's motion did not include a progress report on the parties' settlement efforts. Inasmuch as the parties are under a continuing obligation to provide a detailed progress report for any extension, suspension, or reopening, the parties may not use the ESTTA consent motion forms to extend, suspend, or reopen any dates.

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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.