

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

MBA

Mailed: November 22, 2011

Opposition No. 91194679

John P. Avlon

v.

DeMarcus J. Freemon

Michael B. Adlin, Interlocutory Attorney:

On November 21, 2011, a non-attorney contacted the Board on behalf of applicant's attorney, and requested a teleconference between applicant and the Board to discuss this proceeding. Apparently, applicant's counsel has been unable to reach opposer's counsel, and, according to a voicemail message, the parties may not have communicated recently, if ever. This raises several issues: (1) the Board may not discuss the substance of this proceeding with only one party, rather, both parties must be on the line; (2) applicant may not be aware of the Board's online system (<http://ttabvue.uspto.gov/ttabvue/>), through which parties may review Board filings and activity, and locate contact information for their adversaries; (3) the parties' numerous, purportedly consented, requests for extension or suspension may have been based on questionable claims of "consent;" and (4) although this case is more than one and one-

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half years old, the parties may not have made meaningful progress and may not have a plan for settling or trying this case.

Under the circumstances, the parties are allowed until **TWENTY DAYS** from the mailing date of this order to **JOINTLY FILE** a summary of: (1) the status of this case, including the status of discovery served and any responses thereto; (2) the parties' communications related to: (a) this proceeding since its inception; and/or (b) the mark INDEPENDENT NATION; (3) the status of any settlement efforts; and (4) how the parties intend to try this case, and when. Upon receiving the filing, the Board may convene a teleconference to discuss the future of this proceeding.
