

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

Mailed: June 8, 2011

Opposition No. 91194772

Cannery Casino Resorts, LLC

v.

Omri S. Shellef

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

The parties' stipulated motion (filed May 11, 2011) to continue the suspension of this proceeding for sixty (60) days¹ is noted.

Because the parties are negotiating for possible settlement of this case, the parties' motion is granted; and proceedings herein remain SUSPENDED until **SIXTY DAYS** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

Additionally, inasmuch as this proceeding has been

¹ While the Board attempts, where possible, to notify the parties of its decision on a consented motion to extend or to suspend, prior to expiration of the enlargement sought, the Board is under no obligation to do so, and in many cases cannot. See *Chesebrough-Pond's Inc. v. Faberge, Inc.*, 618 F.2d 776, 205 USPQ 888 (CCPA 1980). Therefore, it is preferable, that a motion to extend time or to suspend the proceeding request that the new period or periods be set to run from the date of the Board's decision on the motion.

Opposition No. 91194772

pending for over one year, the parties are advised that no further extension of time or suspension of these proceedings will be granted, even if stipulated to by the parties, unless the parties submit a showing of good cause for such extension of time or suspension of this proceeding. See TBMP § 605.02 (3d ed. 2011). A showing of good cause must comprise a detailed status report regarding the progress of the parties' settlement negotiations, including when the last settlement proposal was sent, by whom, and when a response is expected, a recitation of the issues that have been resolved since the commencement of this proceeding, a list of issues that remain to be resolved, and a timetable for resolution. *Confidential information may be so designated and will be barred from public viewing.*

In the event that there is no word from either party concerning the 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.

Proceeding Resumes	8/8/2011
Expert Disclosures Due	10/7/2011
Discovery Closes	11/6/2011
Plaintiff's Pretrial Disclosures Due	12/21/2011
Plaintiff's 30-day Trial Period Ends	2/4/2012
Defendant's Pretrial Disclosures Due	2/19/2012
Defendant's 30-day Trial Period Ends	4/4/2012
Plaintiff's Rebuttal Disclosures	4/19/2012

Opposition No. 91194772

**Due
Plaintiff's 15-day Rebuttal Period
Ends**

5/19/2012

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) 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.

