

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

vb

Mailed: December 7, 2010

Opposition No. **91196053**

Sharp Kabushiki Kaisha, a/t/a
Sharp Corporation

v.

Cedomir Repac

Yong Oh (Richard) Kim, Interlocutory Attorney:

On September 27, 2010, opposer filed a consented motion to extend all dates in this proceeding by sixty days to allow for settlement discussions between the parties. In making its request, opposer inadvertently identified the discovery opening date as the discovery closing date thereby drastically accelerating all the dates in this proceeding. As the request was consented to and was filed electronically via ESTTA, an automatic grant of the extension was generated and issued.

Upon learning of the error, opposer filed, on October 27, 2010, a consented motion to correct the error in its previous motion and reset the dates in accordance with the original agreement between the parties. Insofar as the parties are engaged in settlement and applicant consents

thereto, opposer's motion to reset and extend the dates in this proceeding is **GRANTED**.

HOWEVER, on December 1, 2010, opposer filed a motion for default judgment for applicant's failure to file an answer by the extended deadline of November 21, 2010, as agreed to by the parties. To the extent that the Board had yet to act on the parties' motion for extension, it is presumptive of opposer to believe that the dates had been reset in accordance with the corrected motion for extension and thereafter file a motion for default judgment.

Depending on when the Board had taken up the motion and the procedural posture of the case, the Board may very well have *sua sponte* reset dates to allow additional time to minimize confusion and to allow for the smooth progress of the proceeding.¹ Accordingly, opposer's motion for default judgment is premature and is therefore **DENIED**. Dates are reset as follows:

Time to Answer	1/9/2011
Deadline for Discovery Conference	2/8/2011
Discovery Opens	2/8/2011
Initial Disclosures Due	3/10/2011
Expert Disclosures Due	7/8/2011
Discovery Closes	8/7/2011
Plaintiff's Pretrial Disclosures Due	9/21/2011
Plaintiff's 30-day Trial Period Ends	11/5/2011
Defendant's Pretrial Disclosures Due	11/20/2011
Defendant's 30-day Trial Period Ends	1/4/2012
Plaintiff's Rebuttal Disclosures Due	1/19/2012

¹ The Board has the inherent authority to control the disposition of cases on its docket. See *Carrini Inc. v Carla Carini S.R.L.*, 57 USPQ2d 1067, 1071 (TTAB 2000)

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.

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