

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

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Mailed: January 6, 2011

Opposition No. 91197102

Vail Valley Foundation &
Vail Trademarks, Inc.

v.

Stephanie F. Scudder

Yong Oh (Richard) Kim, Interlocutory Attorney:

On January 4, 2011, the Board held a telephone conference to hear argument and to rule on the multitude of motions filed concerning an extension of time for applicant to file her answer. Marc Levy, Esq., appeared as counsel for opposer and Stephanie Scudder appeared *pro se*.

Although the Board does not usually hold a telephone conference to rule on such relatively simple matters, it appeared one was necessary for the purpose of clarification based on the series of filings made by the parties. Specifically, applicant's answer to the notice of opposition was due, as originally set, on December 5, 2010. On November 21, 2010, applicant filed a motion for a 60-day extension of time to answer (measured from the date of the Board's ruling on the motion) to allow her time to retain counsel and to further investigate opposer's claims. On December 23, 2010,

applicant renewed her motion but further clarified that the extension should apply to all dates and not just the date of answer. That same day, another motion for extension was filed, this time by opposer and with applicant's consent with the only modification being that the 60 days were to be measured from the original schedule in the Board's institution order as opposed to the date of the Board's ruling. Then on January 3, 2011, applicant filed her third motion concerning an extension, notwithstanding the previously filed consented motion, and again requested that the 60 day extension be measured from the date of the Board's ruling.

After conferring with the parties, it appears that applicant's primary concerns relate to measuring the extension from the date of the Board's disposition of the latest filed extension request and to have such extension apply to all remaining dates. As counsel for opposer has consented to allow applicant the extension from the date of the conference, the Board need not engage in a "good cause" analysis to determine if an extension is warranted. However, the parties are advised that this type of excessive and unnecessary motion practice is ill-advised and will not be tolerated. The parties are expected to conduct this proceeding in a spirit of good faith and to contact one another to resolve any issues that may come up during the course of this proceeding. For instance, it is unclear why applicant originally requested the

extension measured from the date of the Board's disposition, then consented to the extension schedule proposed by opposer measured from the schedule as originally set in the Board's institution order and then unilaterally filed another extension request to be measured from the date of the Board's ruling.

Since the parties are in agreement, dates in this proceeding are reset as follows:

Time to Answer	3/5/2011
Deadline for Discovery Conference	4/4/2011
Discovery Opens	4/4/2011
Initial Disclosures Due	5/4/2011
Expert Disclosures Due	9/1/2011
Discovery Closes	10/1/2011
Plaintiff's Pretrial Disclosures Due	11/15/2011
Plaintiff's 30-day Trial Period Ends	12/30/2011
Defendant's Pretrial Disclosures Due	1/14/2012
Defendant's 30-day Trial Period Ends	2/28/2012
Plaintiff's Rebuttal Disclosures Due	3/14/2012
Plaintiff's 15-day Rebuttal Period Ends	4/13/2012

However, as applicant has been seeking counsel since at least as early as November 21, 2010, no further extensions or suspensions will be afforded applicant for that purpose.

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