

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

Mailed: February 17, 2011

Opposition No. **91197790**

Almod Diamonds Ltd.

v.

Ilitch Enterprises, LLC

Ann Linnehan, Attorney

Pursuant to Fed. R. Civ. P. 26(f) and Trademark Rules 2.120(a)(1) and (2), the parties to this proceeding conducted a discovery conference on the morning of February 17, 2011. Applicant requested the Board's participation in such conference by correspondence filed on February 8, 2011. Participating in the conference were applicant's attorney David J. Ford, opposer's attorney Elchonon Shagalov, and the assigned Board Interlocutory Attorney.

The parties indicated that they had previously communicated directly regarding this case and had discussed settlement. The parties indicated that they were not involved in other proceedings or civil actions concerning the involved subject mark or pleaded registrations.

The Board reviewed the pleadings herein and indicated that opposer set forth a sufficient claim under Section 2(d) of the Trademark Act.

The parties agreed to a one-month suspension of proceedings for further settlement negotiations.

Proceedings are hereby suspended until one month 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).

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.

Discovery Opens	3/18/2011
Initial Disclosures Due	4/17/2011
Expert Disclosures Due	8/15/2011
Discovery Closes	9/14/2011
Plaintiff's Pretrial Disclosures	10/29/2011
Plaintiff's 30-day Trial Period Ends	12/13/2011
Defendant's Pretrial Disclosures	12/28/2011
Defendant's 30-day Trial Period Ends	2/11/2012
Plaintiff's Rebuttal Disclosures	2/26/2012
Plaintiff's 15-day Rebuttal Period Ends	3/27/2012

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

In the event the parties' settlement negotiations prove to be unsuccessful, the Board recommends that the parties

agree upon ways to promote a more efficient means to exchange information and to increase the likelihood that the merits of the case will be determined on a fairly created record. For example, the parties may agree to service by electronic mail. See Trademark Rule 2.119. The parties may stipulate to a shortening of the discovery period. See Trademark Rule 2.120(a)(2). The parties may agree to limit the number of requests for admissions and document requests each is allowed to serve. On stipulation of the parties, a discovery deposition may be taken or attended by telephone. See *Hewlett-Packard Co. v. Healthcare Personnel Inc.*, 21 USPQ2d 1552, 1553 (TTAB 1991).

Additionally, the parties may enter into a wide variety of stipulations concerning the admission of specified matter into evidence. For example, the parties may agree that the testimony of a witness may be submitted in the form of an affidavit by the witness or that a discovery deposition may be used as testimony. See TBMP Section 705 (2d ed. rev. 2004). The parties may go so far as to stipulate to the entire record or significant portions thereof. See e.g., *Target Brand Inc. v. Shaun N.G. Hughes*, 85 USPQ2d 1676.
