

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

Mailed: October 13, 2011

Opposition No. 91200614

Thomas J. Long

v.

WaveMarket, Inc.

**George C. Pologeorgis,**  
**Interlocutory Attorney:**

The parties' stipulations (filed October 3, 2011 and October 12, 2011) to extend the deadline for the parties' required discovery conference from November 7, 2011, as last reset, to November 27, 2011 so that the parties may pursue settlement and/or mediation is noted.

Applicant filed its answer to the notice of opposition on August 17, 2011, as well as a counterclaim against opposer's pleaded registration. Opposer filed his answer to applicant's counterclaim on October 4, 2011. The Board notes that the both stipulations to extend the discovery conference deadline were filed after applicant filed its answer to the notice of opposition but before the deadline the deadline for the parties' discovery conference, as reset.

In its announcement of the final rule requiring discovery conferences, the Board stated:

The Board anticipates it will be liberal in granting extensions or suspensions of time to answer, when requested to accommodate settlement talks or submission of the dispute to an arbitrator or mediator. However, if a motion to extend or suspend for settlement talks, arbitration or mediation is not filed prior to answer, then the parties will have to proceed, after the answer is filed, to their discovery conference, one point of which is to discuss settlement. It is unlikely the Board will find good cause for a motion to extend or suspend for settlement if the motion is filed after answer but prior to the discovery conference, precisely because the discovery conference itself provides an opportunity to discuss settlement.

"Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007) (emphasis added).

Accordingly, inasmuch as the parties' stipulations to extend for settlement negotiations were filed after the filing of applicant's answer but prior to the reset deadline for the parties' discovery conference and because the purpose of the discovery conference is to afford the parties an opportunity to discuss settlement, the parties' October 3, 2011 and October 12, 2011 stipulations to extend for settlement are **denied** for a lack of showing of good cause.

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Trial dates remain as reset by Board order dated  
September 8, 2011.