

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

Mailed: June 6, 2012

Opposition No. 91200834

Chicago Cubs Baseball Club,  
LLC

v.

United Services Automobile  
Association (USAA)

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

Opposer's consented motion (filed June 5, 2012) to maintain suspension of this proceeding for an additional three so that the parties may continue with their settlement efforts is granted.<sup>1</sup>

Accordingly, proceedings herein remain suspended up to, and including, September 7, 2012, 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

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<sup>1</sup> The Board finds good cause for the suspension request based upon the status report submitted concurrently with opposer's consented motion to suspend for settlement.

resume without further notice or order from the Board, upon  
the schedule set out below.

Applicant is allowed the time set forth below from  
resumption in which to answer the notice of opposition.  
Conferencing, disclosure, discovery and trial dates are  
reset as follows:

Proceedings resume:	<b>September 8, 2012</b>
Time to Answer	<b>10/8/2012</b>
Deadline for Discovery Conference	<b>11/7/2012</b>
Discovery Opens	<b>11/7/2012</b>
Initial Disclosures Due	<b>12/7/2012</b>
Expert Disclosures Due	<b>4/6/2013</b>
Discovery Closes	<b>5/6/2013</b>
Plaintiff's Pretrial Disclosures	<b>6/20/2013</b>
Plaintiff's 30-day Trial Period Ends	<b>8/4/2013</b>
Defendant's Pretrial Disclosures	<b>8/19/2013</b>
Defendant's 30-day Trial Period Ends	<b>10/3/2013</b>
Plaintiff's Rebuttal Disclosures	<b>10/18/2013</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>11/17/2013</b>

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 Rule  
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.

As a final matter, the Board notes that since July 2011, the parties have effected numerous stipulations to suspend this proceeding to accommodate the parties' settlement negotiations, yet no settlement has been reached nor have issues been joined in this case. Accordingly, if the parties agree to another extension or suspension for settlement, they will be expected to report to the Board on the progress of their settlement negotiations. Such report **must** include a recitation of issues that have been resolved, **identification of the settlement activities which have occurred for each month of the three-month suspension period granted herein, including the dates upon which proposed settlement agreements have been provided for review (whether to in-house counsel or outside counsel), dates when the reviewed proposed settlement agreement has been provided to the adverse party, and dates when the adverse party has provided its comments,**<sup>2</sup> issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend, even though agreed to by the parties, will not be granted.

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<sup>2</sup> If no settlement activity has occurred for any month of suspension time granted herein, the parties must explain why no settlement activity occurred.

Finally, the Board will carefully scrutinize any future status reports to determine whether the parties have made significant progress towards settlement. If the Board finds that significant progress toward settlement has not been made or that there have been no bilateral settlement negotiations, i.e., one party reviewing and revising terms of a settlement agreement for the entire suspension period without any input from the adverse party, the Board may deny any future requests to extend or suspend for settlement notwithstanding the submission of a status report.