

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

Mailed: November 1, 2013

Opposition No. 91201229

Melaleuca, Inc.

v.

Vitamin Shoppe Industries Inc.

**Denise M. DelGizzi,
Technical Program Manager:**

Applicant's consented motion filed October 11, 2013 to extend disclosure, discovery and trial dates is granted. Trademark Rule 2.127(a).

Such dates are reset in accordance with applicant's motion.

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 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.

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As a final matter, the Board notes that since December 1, 2011, the parties have effected numerous extensions of time and requests to suspend this case to allow the parties to continue with their settlement negotiations yet settlement has still not been reached. The Board's time and resources in keeping this proceeding in suspension and/or extending trial dates have been expended for a significant amount of time. As a general matter, the Board has an interest in minimizing undue delays in bringing inter partes proceedings to termination.

Accordingly, to the extent the parties agree to another extension or suspension, they will be expected to report to the Board on the progress of discovery, or of any ongoing settlement negotiations. Such report must include: a recitation of discovery taken to date, a statement of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.