

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

Mailed: February 27, 2014

Opposition No. 91201238

Neways, Inc.

v.

Topspin-IDS Acquisition, LLC

Jennifer Krisp, Interlocutory Attorney:

The Board notes applicant's July 31, 2013 motion for leave to amend its answer, as well as opposer's August 20, 2013 consented motion to extend its time to August 27, 2013 to file a brief in opposition to the motion for leave to amend.

Subsequent to opposer's consented motion, the parties filed consented motions to extend remaining discovery and trial dates, for settlement, on August 23, 2013, September 20, 2013, October 22, 2013, November 22, 2013 and December 26, 2013.¹ The August 23, 2013, September 20, 2013, October 22, 2013 and November 22, 2013 motions are granted. To maintain order in this proceeding, the December 26, 2012 motion is granted as modified, as follows: 1) proceedings remain suspended for settlement, subject to the right of either party to request resumption at any time; 2) the deadline to serve expert disclosures is

¹ The Board regrets the delay in addressing the filings. However, to avoid future delays of this nature, when filing a consented motion at a time when the Board has not yet addressed the prior-filed motion, the parties should telephone the Board to bring the unaddressed and new motions to the attention of the assigned paralegal.

reset to March 15, 2014, in accordance with the December 26, 2013 consented motion, and 3) opposer is allowed until March 17, 2014 to file a paper herein clearly notifying the Board with respect to whether applicant's motion for leave to amend its answer is contested. In the event that the motion is contested, the Board shall set opposer's time to file its brief; in the event that the motion is not contested, the Board shall consider the merits of applicant's motion for leave to amend as uncontested, set opposer's time to file its answer to the counterclaim as appropriate, and reset discovery and trial dates as appropriate.

The parties have secured several periods of suspension to pursue settlement, and the Board presumes that the parties have used each of the liberally-granted suspensions to pointedly pursue settlement. Nevertheless, this proceeding has been suspended for an inordinate duration of time since it was instituted. In the event that the parties at any time file any further consented motion(s) to suspend for settlement, they are required to support such motion(s) with a detailed report setting forth extraordinary circumstances for the requested suspension.² Such report must state 1) the current status of settlement efforts, 2) the specific progress that the parties have made towards settlement during the most recent suspension period, 3) a recitation of all dates on which the parties have communicated regarding settlement by meeting, telephone, email, letter, post or otherwise, and 4) a description of the contents of

² Any such motion may not be filed using the consented motions forms on ESTTA; rather, the parties should file through ESTTA using the "other motions and papers" form, such that the parties can upload their own motion and all supporting documentation.

each such communication. The parties may file confidential information under seal, as appropriate. Absent a showing of extraordinary circumstances, the Board may deny further suspension for settlement.