

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

tlc

Mailed: May 15, 2012

Opposition No. 91204057

Activision Publishing, Inc.

v.

Kabam, Inc.

Andrew P. Baxley, Interlocutory Attorney:

Upon further review, the Board's May 1, 2012 electronic suspension order is hereby vacated. See TBMP Section 518 (3d ed. 2011). Applicant's consented motion (filed May 1, 2012) to suspend this proceeding for settlement negotiations, which was granted in the May 1, 2012 order, was filed between the filing of applicant's answer and the May 7, 2012 deadline for the parties' discovery conference.

The Board generally does not grant motions to suspend for settlement negotiations that are filed between the filing of an answer and the deadline for the parties' discovery conference because the parties can discuss settlement during such conferences. See *Boston Red Sox Baseball Club LP v. Chaveriat*, 87 USPQ2d 1767, 1767 n.1 (TTAB 2008); *Miscellaneous Changes to Trademark Trial and Appeal Board Rules*, 72 Fed. Reg. 42242,

42245 (August 1, 2007); TBMP Section 510.03(a) (3d ed. 2011).

The Board finds that varying from the Board's general practice is unwarranted in this case.

Applicant's consented motion (filed April 20, 2012) to extend time to respond to the motion to extend time to respond to the motion to strike affirmative defenses that opposer filed on April 16, 2012 is granted. Applicant is allowed until June 7, 2012 to file a brief in response to the motion to strike. Opposer's reply brief is due in accordance with Trademark Rules 2.119(c) and 2.127(a).

Proceedings herein are suspended pending disposition of opposer's motion to strike. See Trademark Rule 2.117(c). Any submission filed during the pendency of the motion to strike which is not germane thereto will receive no consideration.