

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

Mailed: March 13, 2013

Opposition No. 91204206

Angels Baseball LP

v.

Misty D. Shim dba Legion of
Angels

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

Opposer's consented motion (filed February 27, 2013) to re-suspend this proceeding for an additional three months so that the parties may continue with their settlement efforts is **GRANTED**.

Accordingly, proceedings are suspended up to, and including, **May 27, 2013**, 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 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:	May 28, 2013
Time to Answer	6/27/2013
Deadline for Discovery Conference	7/27/2013
Discovery Opens	7/27/2013
Initial Disclosures Due	8/26/2013
Expert Disclosures Due	12/24/2013
Discovery Closes	1/23/2014
Plaintiff's Pretrial Disclosures Due	3/9/2014
Plaintiff's 30-day Trial Period Ends	4/23/2014
Defendant's Pretrial Disclosures Due	5/8/2014
Defendant's 30-day Trial Period Ends	6/22/2014
Plaintiff's Rebuttal Disclosures Due	7/7/2014
Plaintiff's 15-day Rebuttal Period Ends	8/6/2014

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 Rules 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 April 2012, 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,**¹ 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.

¹ 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.