

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

Mailed: July 5, 2012

Opposition No. 91204840

Philip Morris USA Inc.

v.

Arizona Investment & Trading,
LLC

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

Per the Board's April 23, 2012 institution order, the deadline for filing an answer to the notice of opposition in this matter was set for June 2, 2012. By the same institution order, the deadline for the parties' discovery conference was set for July 2, 2012.

On June 2, 2012, applicant filed its answer to the notice of opposition. On July 3, 2012, opposer filed a consented motion to extend trial dates, including the deadline for the parties' discovery conference, so that the parties may engage in settlement discussions.

In its announcement of the final rule requiring discovery conferences, the Board stated:

The Board anticipates it will be liberal in granting extensions or suspensions of time to answer, when requested to accommodate settlement talks or submission of the dispute to an

arbitrator or mediator. However, if a motion to extend or suspend for settlement talks, arbitration or mediation is not filed prior to answer, then the parties will have to proceed, after the answer is filed, to their discovery conference, one point of which is to discuss settlement. It is unlikely the Board will find good cause for a motion to extend or suspend for settlement if the motion is filed after answer but prior to the discovery conference, precisely because the discovery conference itself provides an opportunity to discuss settlement.

"Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007) (emphasis added).

Accordingly, inasmuch as opposer's consented motion to extend for settlement negotiations was filed after the filing of applicant's answer but prior to the parties actually conducting their required discovery conference and because the purpose of the discovery conference is to afford the parties an opportunity to discuss settlement, opposer's consented motion to extend is **DENIED** for a lack of showing of good cause.

The Board notes, however, that the deadline for the parties' discovery conference has already expired and, therefore, in order to afford the parties time in which to prepare for said conference, the deadline for the discovery conference and all subsequent trial dates are reset as follows:

Deadline for Discovery Conference	7/16/2012
Discovery Opens	7/16/2012
Initial Disclosures Due	8/15/2012
Expert Disclosures Due	12/13/2012
Discovery Closes	1/12/2013
Plaintiff's Pretrial Disclosures	2/26/2013
Plaintiff's 30-day Trial Period Ends	4/12/2013
Defendant's Pretrial Disclosures	4/27/2013
Defendant's 30-day Trial Period Ends	6/11/2013
Plaintiff's Rebuttal Disclosures	6/26/2013
Plaintiff's 15-day Rebuttal Period Ends	7/26/2013

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.
