

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: October 20, 2015

Opposition No. 91206284

Starbuzz Tobacco, Inc.

v.

Haze Tobacco, LLC

Veronica P. White, Paralegal Specialist:

The parties' stipulated motion (filed October 12, 2015) to further suspend this proceeding for an additional sixty days to accommodate the parties' continued settlement negotiations is granted. However, the standard of good cause is barely met by the perfunctory report submitted.

The Board notes that this case has been ongoing for over three years with the parties in settlement negotiations during most of that time without any progress toward resolution. The Board expects future progress reports to show active settlement negotiations, otherwise, any additional suspension (or extension) requests based on settlement will be considered lacking good cause. Such a report should address **(1) when the last settlement proposal was sent, by whom, and when a response is expected, (2) a recitation of the issues that have been resolved since the commencement of this proceeding, (3) a list of issues that remain to be resolved, and (4) a timetable for resolution.** Absent such a report, any

future motion to suspend or extend, even though agreed to by the parties, will not be approved.

Accordingly, proceedings are suspended in accordance with the motion, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

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 in the parties' stipulated motion. For the convenience of the parties the schedule is copied below:

Time to Answer	12/11/2015
Deadline for Discovery Conference	1/10/2016
Discovery Opens	1/10/2016
Initial Disclosures Due	2/9/2016
Expert Disclosures Due	6/8/2016
Discovery Closes	7/8/2016
Plaintiff's Pretrial Disclosures	8/22/2016
Plaintiff's 30-day Trial Period Ends	10/6/2016
Defendant's Pretrial Disclosures	10/21/2016
Defendant's 30-day Trial Period Ends	12/5/2016
Plaintiff's Rebuttal Disclosures	12/20/2016
Plaintiff's 15-day Rebuttal Period Ends	1/19/2017

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.¹

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¹ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.