

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

cv

Mailed: December 13, 2012

Opposition No. 91207101

Beiersdorf AG

v.

Johnson & Johnson

**Cheryl S. Goodman, Interlocutory Attorney:**

The Board notes opposer's consented motion (filed November 21, 2012) to extend discovery conference, discovery, disclosure, and trial dates.<sup>1</sup>

Inasmuch as the motion fails to demonstrate good cause for the requested suspension, and inasmuch as the parties have not yet held their required discovery conference, opposer's consented motion is denied.

The parties shall note the Board's statement with respect to requests for suspension and requests for extension which are filed after an answer is filed, but before the parties hold their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2). In particular, the Board has stated:

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<sup>1</sup> The appearance of new counsel for applicant, filed October 26, 2012, is accepted and made of record.

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.

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

Accordingly, discovery conference, discovery, disclosure, and trial dates remain as set in the Board's October 30, 2012 institution order. See Trademark Rule 2.120(a)(2).

After the parties have proceeded to their discovery conference, they are free to file an extension request with regard to the remaining dates in this proceeding.