

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

LC

Mailed: July 3, 2013

Opposition No. 91208962

Cavium, Inc.

v.

Vector Cambium Holdings  
(Cayman), Ltd.

**Eric McWilliams, Supervisory Paralegal:**

Applicant's consented motion filed May 30, 2013 to extend trial dates, including the deadline for discovery conference is noted.

In applicant's motion, applicant seeks, with an allegation of opposer's consent, time for the parties to negotiate settlement. The parties are reminded that the trademark rules place on the parties a shared responsibility to conference to discuss the scope of the pleadings, the possibility of settlement and planning for disclosures and discovery, as explained in the notice of institution. The Board does not find in opposer's motion good cause to delay the parties' required conference to allow for settlement talks when the parties are required to

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discuss settlement in the conference. See "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007):

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.

Inasmuch as the circumstances recited in the extension request are not deemed to be extraordinary in nature, the request is denied. Nonetheless, because the parties may not, under the applicable rules, engage in discovery activities without first making the required initial disclosures, the deadline for making such disclosures and all subsequent dates are hereby reset as follows: See Trademark Rule 2.120(a)(2).

Initial Disclosures Due	8/3/2013
Expert Disclosures Due	12/1/2013
Discovery Closes	12/31/2013
Plaintiff's Pretrial Disclosures	2/14/2014
Plaintiff's 30-day Trial Period Ends	3/31/2014
Defendant's Pretrial Disclosures	4/15/2014
Defendant's 30-day Trial Period Ends	5/30/2014
Plaintiff's Rebuttal Disclosures	6/14/2014
Plaintiff's 15-day Rebuttal Period Ends	7/14/2014

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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 taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.