

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: July 23, 2015

Opposition No. 91210985

*Dermatology Rx LLC*

*v.*

*Grayson Beauty Advances LLC*

**Veronica P. White, Paralegal Specialist:**

Opposer's consented motion (filed June 25, 2015) to further suspend this proceeding to accommodate the parties' continued settlement negotiations is granted. Accordingly, proceedings herein are suspended in accordance with the motion, subject to the right of either party to request resumption at any time. *See* Trademark Rule 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 forth in Opposer's motion. For the convenience of the parties the schedule is copied below:

Expert Disclosures Due	<b>8/10/2015</b>
Discovery Closes	<b>9/9/2015</b>
Plaintiff's Pretrial Disclosures	<b>10/24/2015</b>
Plaintiff's 30-day Trial Period Ends	<b>12/8/2015</b>
Defendant's Pretrial Disclosures	<b>12/23/2015</b>

Defendant's 30-day Trial Period Ends	<b>2/6/2016</b>
Plaintiff's Rebuttal Disclosures	<b>2/21/2016</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>3/22/2016</b>

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 Rule 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.<sup>1</sup>

As a final matter, the Board notes that numerous motions to suspend have been granted in this proceeding to accommodate the parties' settlement efforts, yet no settlement has been reached. In view of the length of time provided to the parties, the Board imposes the following reporting requirement: Any future motion to extend or suspend which is based on settlement must be supported by a detailed report setting forth what progress the parties have made towards settlement. This report must set forth, at a minimum, **1) all dates on which the parties communicated, and the method of each communication (e.g. telephone, email, in-person meeting), 2) the general nature of each communication, 3) the issues that have been resolved, 4) the issues that remain to be resolved or that remain for trial, and 5) a proposed timetable for resolution of the**

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<sup>1</sup> The Board's records have been updated to reflect Opposer's change of correspondence address (filed May 22, 2015).

**unresolved issues.** Appropriately designated confidential information or materials may be filed under seal and will be barred from public viewing. *See* Trademark Rule 2.126(c); TBMP §§ 120.02 and 502.02(c).

Absent a progress report as required above, a motion to suspend or extend may be denied, even if consented to by the parties. If the Board denies such a motion, dates may remain as previously set. *See* TBMP § 509.01(a).

*Due to the requirement for a progress report, the parties can no longer use the ESTTA “Consented Motions” option to file future motions to suspend or extend instead use the “General Filings” option. Furthermore, if the parties file a motion to suspend or extend these dates, the motion should set forth the proposed dates in the format shown in this order.<sup>2</sup>*

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<sup>2</sup> If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.