

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

Mailed: October 17, 2013

Opposition No. 91211611

Westbrae Natural, Inc

v.

Jamaican Teas Limited

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

The Board's July 17, 2013, institution order set the deadline for filing an answer to the notice of opposition for August 26, 2013. By the same order, the Board set the deadline for the parties' discovery conference for September 25, 2013. On August 23, 2013, applicant filed its answer to the notice of opposition. On September 24, 2013, applicant filed a consented motion to suspend these proceedings for sixty days so that the parties may pursue settlement negotiations.

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 applicant’s consented motion to suspend for settlement negotiations was filed after the filing of applicant’s answer but prior to the deadline for the parties’ discovery conference and because the purpose of the discovery conference is to afford the parties an opportunity to discuss settlement, applicant’s consented motion to suspend 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	10/31/2013
Discovery Opens	10/31/2013
Initial Disclosures Due	11/30/2013
Expert Disclosures Due	3/30/2014
Discovery Closes	4/29/2014
Plaintiff's Pretrial Disclosures Due	6/13/2014
Plaintiff's 30-day Trial Period Ends	7/28/2014
Defendant's Pretrial Disclosures Due	8/12/2014
Defendant's 30-day Trial Period Ends	9/26/2014
Plaintiff's Rebuttal Disclosures Due	10/11/2014
Plaintiff's 15-day Rebuttal Period Ends	11/10/2014

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 Trademarks Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.