

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

Mailed: October 4, 2013

Opposition No. 91211852

International Flora
Technologies, Ltd.

v.

Global Bio-Chem Technology
Americas, Inc.

Amy Matelski, Paralegal Specialist:

Opposer's consented motion filed September 24, 2013 for suspension for settlement efforts is noted.¹

In opposer's motion, opposer seeks, with an allegation of applicant'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

¹ Opposer's attention is directed to the statement on the ESTTA website, which informs the parties that they should not use the consent motions forms if the proceeding was instituted on or after November 1, 2007. Instead the parties should file its motions to extend utilizing the general filings tab.

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 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 suspension request are not deemed to be extraordinary in nature, the motion is denied. Conferencing, disclosure, discovery and trial dates remain as set. See Trademark Rule 2.120(a)(2).