

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

DMD

Mailed: November 26, 2014

Opposition No. 91212905 (parent)
Cancellation No. 92058236

EMI (IP) Limited

v.

OCC Establishment

Ellen M. Yowell, Paralegal Specialist:

Applicant's consented motions filed October 31, 2014 and November 26, 2014 to extend time to file an answer to the notice of opposition and to extend conference, disclosure, discovery and trial dates, are granted. *See* Fed. R. Civ. P. 6(b) and TBMP § 310.03(c).

Answer is due **December 31, 2014**. The conference, disclosure, discovery and trial dates are reset in accordance with applicant's November 26, 2014 motion.

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

Progress Report Required for Motions to Suspend or Extend for Settlement

The Board has granted numerous motions to suspend or extend in this proceeding to accommodate the parties' settlement efforts. Upon expiration of the suspension period granted in this order, in order to establish good cause for all future requests for suspension or extension, the parties must include, in any further motions to suspend or extend, a detailed report setting forth what progress the parties have made towards settlement during the previous period of suspension

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 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).

Due to the requirement for a progress report, the parties can no longer use the ESTTA consent motions form to file future motions to suspend or extend.

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).