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

BUO

Mailed: October 13, 2015

Opposition No. 91214849

Apple Inc.

v.

Syed Ali Hasan

Benjamin U. Okeke, Interlocutory Attorney:

On September 8, 2015, Applicant contacted the assigned Board interlocutory attorney and requested a telephone conference with Opposer and the Board to discuss the schedule of the proceeding. Specifically, Applicant was seeking a suspension of the proceeding. Applicant indicated that he had contacted Opposer to secure Opposer's consent to the suspension, but that Opposer's consent was withheld.

Rather than incur further delay to the proceeding, the Board, in its discretion, suggested that the issue should be resolved by telephone conference as permitted by TBMP § 502.06 (2015).[1]

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[1] Patent and Trademark Rule 1.2, 37 C.F.R. § 1.2, which requires all business with the USPTO be transacted in writing, is waived to the extent that Board attorneys or judges may accept from parties, or direct parties to present, oral recitations of procedural facts and presentations of argument. In addition, Trademark Rule 2.119(b), 37 C.F.R. § 2.119(b), which specifies the acceptable methods for forwarding service copies of papers filed with the Board, is waived to the extent necessary to facilitate telephone conferencing.

The parties agreed to hold a telephone conference on Tuesday, September 29, 2015. Participating in the conference were Opposer's counsel, Alicia G. Jones, Applicant, Syed Ali Hasan, appearing *pro se*, and Board interlocutory attorney, Benjamin U. Okeke.

The Board carefully considered the arguments raised by the parties during the telephone conference, and the record of this case in coming to a determination regarding the issues presented.

During the telephone conference, the Board made the following findings and determinations:

Motion for Extension of Dates

Applicant requested an eight-month suspension of the proceeding in light of his "company [being] in the launch stage right now and [Applicant being] unable to find time to" meaningfully engage in this proceeding. Opposer contested that it could not agree to such a lengthy suspension of the proceeding. Although the Board agrees that Applicant's requested suspension is unreasonably lengthy, especially in light of the scant reasons given for the need to extend the dates, inasmuch as this is only the third request for extension of dates of any sort filed in this proceeding, and there is nothing in the record to indicate abuse of the privilege of extension or bad faith, the Board is inclined to grant Applicant's request.

Accordingly, Applicant's motion for an extension of dates is **GRANTED** in part, to the extent that the remaining dates in the proceeding are extended by **NINETY DAYS** from the date of the telephone conference.

However, given the length of this extension, further extensions of time for this purpose will not be granted absent a showing of **extraordinary circumstances**.[2] Upon resumption of the proceeding Applicant will be expected to fully engage in the proceeding, including adherence to the schedule as set.

Schedule

The remaining disclosure and trial dates are reset as follows:

Plaintiff's Pretrial Disclosures	**1/20/2016**
Plaintiff's 30-day Trial Period Ends	**3/5/2016**
Defendant's Pretrial Disclosures	**3/20/2016**
Defendant's 30-day Trial Period Ends	**5/4/2016**
Plaintiff's Rebuttal Disclosures	**5/19/2016**
Plaintiff's 15-day Rebuttal Period Ends	**6/18/2016**

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.l25.

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.l29.

[2] Applicant should note that neither the general press of other business matters nor litigation will be seen to constitute **extraordinary circumstances**.