

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: May 13, 2014

Opposition No. 91215475

Diageo North America, Inc.

v.

Mexcor, Inc.

Nicole Thier, Paralegal Specialist:

The Board notes the consented motion filed by applicant on May 9, 2014 to suspend proceedings for six months for the parties to pursue settlement.

While the Board is liberal in granting suspensions and extensions of time to accommodate settlement, after an answer has been filed, the Board is unlikely to find good cause for a motion, even upon consent or stipulation, to extend or suspend the deadline for the parties to conduct the required discovery conference when the basis for the motion is the existence of settlement discussions. *See* TBMP § 509.01(a); *Boston Red Sox Baseball Club LP v. Chaveriat*, 87 USPQ2d 1767, 1767 n.1 (TTAB 2008) (“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 motion to suspend was filed after the answer, but prior to the parties’ discovery conference deadline, the Board does not find good cause to suspend. Accordingly, said motion is denied. The parties are expected to proceed to conduct the required discovery conference without delay.

Disclosure, discovery and trial dates remain as previously set in the Board’s order of March 18, 2014.