

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: July 29, 2014

Opposition No. 91215576

Automattic, Inc.

v.

Jetpack Marketing, LLC

Nicole Thier, Paralegal Specialist:

The Board notes the consented motion to suspend proceedings to accommodate the parties' settlement efforts filed by opposer on July 23, 2014. It is noted that the parties have indicated that they have yet to hold the required discovery conference.

While the Board is liberal in granting extensions and suspensions 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 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 24, 2014.