

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: February 22, 2016

Opposition No. 91218800

Kimberly-Clark Worldwide, Inc.

v.

Matosantos Commercial Corp.

Jennifer Krisp, Interlocutory Attorney:

On February 19, 2016, the assigned Board attorney convened a telephone conference with Opposer's counsel Donna F. Schmitt, and Applicant's counsel Jaime Lopez.

The Board noted Opposer's February 4, 2016 request to withdraw motion for suspension. Said request is granted in part insofar as Opposer withdraws its February 2, 2016 motion for suspension for settlement with consent. The Board's February 2, 2016 order is hereby vacated. It is replaced by the instant order.

As the Board explained in the conference, the February 2, 2016 motion was procedurally inappropriate because the Board had already suspended proceedings on December 9, 2015 pending disposition of Opposer's October 20, 2015 motion for leave to amend, which is contested. Moreover, the motion was not relevant to Opposer's pending contested motion, and would have had the effect of resuming trial dates prior to and in lieu of adjudication of the pending contested motion.

Opposer's counsel confirmed that the pending motion remains viable at this time.

Opposer's February 4, 2016 request to withdraw is denied in part insofar as Opposer requests that the Board suspend ruling on Opposer's pending motion while the parties continue settlement efforts. As explained in the conference, this would result in an indefinite suspension pending adjudication of the motion.

In the conference, the Board ascertained the specific status of the parties' settlement efforts, and affected a stipulation between the parties to continue suspension for settlement for a defined period of sixty days. Accordingly, proceedings are suspended for settlement until sixty days from the conference date, namely, until April 19, 2016. The Board will hold in abeyance its consideration of Opposer's pending motion. If as of April 19, 2016 the record does not include a filing indicating that the parties have reached settlement, or a new consented motion to continue suspension for settlement,¹ the Board will take up the merits of Opposer's pending motion.

¹ In the event that the parties desire suspension for settlement beyond April 19, 2016, they may file a new motion to suspend. The parties may not submit such motion using the consented motion form in ESTTA. Rather, the parties must generate a motion and may file it under the general filings option in ESTTA. In any such motion the parties must request suspension until a date certain.