

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: January 20, 2015

Opposition No. 91218800

Kimberly-Clark Worldwide, Inc.

v.

Matosantos Commercial Corp.

Ellen M. Yowell, Paralegal Specialist:

The Board notes the consented motion filed by Opposer on December 24, 2014 to suspend this proceeding for the parties to pursue settlement.

Opposer's consented motion indicates that the discovery conference has not been held. Additionally, the Board notes that applicant filed an answer to the notice of opposition on November 21, 2014.

While the Board is liberal in granting 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 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.

In light of the time that has transpired since the opposer filed its consented motion to suspend, the schedule is reset as follows:

Initial Disclosures Due	2/5/2015
Expert Disclosures Due	6/5/2015
Discovery Closes	7/5/2015
Plaintiff’s Pretrial Disclosures	8/19/2015
Plaintiff’s 30-day Trial Period Ends	10/3/2015
Defendant’s Pretrial Disclosures	10/18/2015
Defendant’s 30-day Trial Period Ends	12/2/2015
Plaintiff’s Rebuttal Disclosures	12/17/2015
Plaintiff’s 15-day Rebuttal Period Ends	1/16/2016

To the extent that the parties may file a revised consented motion to suspend or extend for settlement after the discovery conference has been held and when the next deadline is the due date for initial disclosures, the parties are advised not to use the “consent motions” option. Instead, they should utilize the “general filings” option and upload a proposed schedule with the desired new initial disclosure deadline and all subsequent deadlines as a PDF attachment.

See http://www.uspto.gov/trademarks/process/appeal/ESTTA_TIPS.pdf.