

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: January 31, 2015

Opposition No. 91219420

Goya Foods, Inc.

v.

Goza Tequila, LLC

Karl Kochersperger, Paralegal Specialist:

The Board notes the consented motion¹ filed by applicant on January 13, 2015 to suspend all dates, including the discovery conference deadline, for the parties to pursue settlement.

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

¹ It is noted that applicant used the ESTTA consent motion forms to file its suspension request resulting in an incorrect trial order. Applicant was improper by doing this. The parties may not use the ESTTA consent motion forms to extend or suspend until after the deadline for initial disclosures. See ESTTA Important User Guideline II at the URL in footnote 2.

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 Board’s order that was automatically generated via ESTTA on January 13, 2015 is vacated. 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 institution order of November 20, 2014.