

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

CME

Mailed: September 9, 2016

Opposition No. 91219616

*Prudential Insurance Company of America*

*v.*

*Daryl Bank*

Christen M. English, Interlocutory Attorney:

Pursuant to the Board's order of June 3, 2016, the Board convened a telephone conference with the parties on September 8, 2016 to discuss the possibility of utilizing Accelerated Case Resolution ("ACR") to resolve this proceeding. Amy Brozenic appeared on behalf of Opposer, Mark Terry appeared on behalf of Applicant, and the Interlocutory Attorney assigned to this proceeding participated on behalf of the Board.

During the conference, the parties: (1) confirmed their desire to bifurcate Opposer's likelihood of confusion and dilution claims and utilize ACR with respect to Opposer's likelihood of confusion claim; (2) agreed to confer with their clients about the possibility of stipulating to some facts and procedures regarding evidence; and (3) agreed to have a telephone conference next week to finalize an ACR stipulation, including a briefing schedule.

Accordingly, proceedings are suspended to allow the parties an opportunity to finalize and file an ACR stipulation. As addressed during the conference, if the parties stipulate to ACR, they must expressly agree that the Board may resolve any genuine disputes of material fact raised by their ACR briefs or the record. *See Chanel Inc. v. Makarczyk*, 106 USPQ2d 1774, 1776 (TTAB 2013) (discussing and approving the parties' ACR stipulation).

The Board is available for additional telephone conferences should the parties need further assistance in developing an ACR plan.

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