

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: September 3, 2015

Opposition No. 91220042

NuGEN Technologies, Inc.

v.

NVIGEN, Inc.

**Rochelle Adams, Paralegal Specialist:**

Opposer's consented motion filed August 28, 2015 to suspend proceedings is noted.

Opposer seeks a three month suspension to allow the parties time to discuss settlement. However, the trademark rules place on the parties a shared responsibility to conference to discuss the scope of the pleadings and to plan for disclosures and the conduct of discovery and to afford the parties the opportunity to discuss settlement, as explained in the notice of institution. Therefore, the Board does not find in opposer's motion good cause to delay the parties' required conference to allow for settlement talks when the parties are required to discuss settlement in the conference. *See* "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007):

if a motion to extend or suspend for settlement talks, arbitration or mediation is not filed prior to answer, then the parties will have to proceed, after the answer is filed, to their discovery conference, one point of which is to discuss settlement. 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 circumstances recited in the suspension request are not deemed to be extraordinary in nature, the motion is **DENIED**. Conferencing, disclosure, discovery and trial dates remain as previously set by the Board in its institution order issued on January 6, 2015. *See* Trademark Rule 2.120(a)(2). After the discovery conference is conducted, the Board will entertain any motions to suspend, if necessary.