

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: June 2, 2015

Opposition No. 91220460

Opposition No. 91220462

Opposition No. 91220463

Opposition No. 91221190

Opposition No. 91221198

Brookshire Brothers, Inc.

v.

Brookshire Grocery Company

Monique Tyson, Paralegal Specialist:

Applicant's consented motion to suspend proceedings filed May 27, 2015, including the deadline for discovery conference is noted.

In applicant's motion, applicant seeks, with an allegation of opposer consent, time for the parties to negotiate settlement. The parties are reminded that the trademark rules place on the parties a shared responsibility to conference to discuss the scope of the pleadings, the possibility of settlement and planning for disclosures and discovery, as explained in the notice of institution. 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 request is denied. Nonetheless, because the parties may not, under the applicable rules, engage in discovery activities without first making the required initial disclosures, the deadline for making such disclosures and all subsequent dates are hereby reset as follows: See Trademark Rule 2.120(a)(2).

Initial Disclosures Due	9/30/2015
Expert Disclosures Due	1/28/2016
Discovery Closes	2/27/2016
Plaintiff's Pretrial Disclosures	4/12/2016
Plaintiff's 30-day Trial Period Ends	5/27/2016
Defendant's Pretrial Disclosures	6/11/2016
Defendant's 30-day Trial Period Ends	7/26/2016
Plaintiff's Rebuttal Disclosures	8/10/2016
Plaintiff's 15-day Rebuttal Period Ends	9/9/2016