

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: March 10, 2016

Opposition No. 91222461

Victoria Kheel

v.

Lions Gate Entertainment Inc.

Christen M. English, Interlocutory Attorney:

Pursuant to Applicant's request, on March 2, 2016, the Board participated in the parties' telephonic discovery conference mandated under Fed. R. Civ. P. 26(f) and Trademark Rule 2.120(a)(1) and (a)(2). Ilana Makovoz appeared on behalf of Opposer, Paul Bost appeared on behalf of Applicant, and the assigned interlocutory attorney participated on behalf of the Board.

The parties did not agree to accept formal service of papers by e-mail pursuant to Trademark Rule 2.119(b)(6). Accordingly, papers in this proceeding must be served using the manners of service set out in Trademark Rule 2.119(b)(1)-(5).

The parties stated that they are not aware of any related proceedings between them or disputes with third parties regarding the marks at issue here.

The parties have not yet engaged in settlement discussions, but both parties indicated that they are open to a possible settlement. The Board strongly

encourages the parties to work together to amicably resolve this proceeding, if possible.

The Board reminded the parties that it issued an order on January 11, 2016 finding that Opposer has adequately pleaded her standing and claims for priority and likelihood of confusion and fraud. Applicant filed a timely answer on February 3, 2016.

The Board next discussed ways to streamline the case by using Accelerated Case Resolution (“ACR”). Applicant indicated a willingness to discuss the possibility of ACR after the close of discovery, but Opposer indicated that she is not amenable to utilizing ACR or any of its efficiencies due to the nature of the claims in this proceeding. In the event Opposer changes her mind, additional information regarding ACR may be found at the following links:

1. General description of ACR:

http://www.uspto.gov/trademarks/process/appeal/Accelerated_Case_Resolution_ACR_notice_from_TTAB_webpage_12_22_11.pdf;

2. FAQs on ACR:

[http://www.uspto.gov/trademarks/process/appeal/Accelerated_Case_Resolution_\(ACR\)_FAQ_updates_12_22_11.doc](http://www.uspto.gov/trademarks/process/appeal/Accelerated_Case_Resolution_(ACR)_FAQ_updates_12_22_11.doc);

3. List of cases employing ACR-like efficiencies:

[http://www.uspto.gov/trademarks/process/appeal/ACR_Case_List_\(10-23-12\).doc](http://www.uspto.gov/trademarks/process/appeal/ACR_Case_List_(10-23-12).doc);

4. Potential ACR schedules:

http://www.uspto.gov/trademarks/process/appeal/TTAB_ACR_Options.jsp;

and

5. Sections 528.05(a)(2), 702.04 and 705 of the TBMP (2015).

The Board's standard protective order is automatically applicable in this proceeding by operation of Trademark Rule 2.116(g) and is available here:

<http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>

Applicant indicated that it plans to propose some changes to the standard protective order regarding the inadvertent disclosure of information, among other issues. If the parties stipulate to a revised protective order, they must file such a stipulation with the Board. If the parties do not agree to modifications, the standard protective order will remain in place.

The parties also discussed the preservation of electronically stored information ("ESI") by Opposer's license and agreed to further negotiate the issue. If the parties are unable to reach an agreement regarding the preservation of ESI by Opposer's license, the parties are encouraged to contact the assigned interlocutory attorney to further discuss issue.

The Board reminded the parties that neither discovery requests nor motions for summary judgment may be served until after initial disclosures are made. In addition, the Board advised that it is available for future telephone conferences to resolve contested matters, address scheduling issues, and to address any other issues, as necessary, to move this case forward efficiently.

Dates remain as set in the Board's order of January 11, 2016.
