

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: October 7, 2015

Opposition No. 91222738

International Flora Technologies, LTD.

v.

PPP&C, Inc.

Karl Kochersperger, Paralegal Specialist:

The Board notes the consented motion¹ filed by Opposer on September 23, 2015 to extend 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

¹ Opposer’s motion fails to indicate proof of service on Applicant’s counsel, as required by Trademark Rule 2.119.

In order to expedite this matter, a copy of the motion is forwarded herewith to Applicant’s counsel. Strict compliance with Trademark Rule 2.119 is required in all future filings. When a party files a document that is required to be served upon every other party to the proceeding, proof that required service has been made must be submitted before the Board will consider the filing.

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 motion to extend was filed after the answer, but prior to the parties’ discovery conference deadline, the Board does not find good cause to extend. Accordingly, said motion is denied. The parties are expected to proceed to conduct and conclude² the required discovery conference without delay.

Disclosure, discovery and trial dates remain as previously set in the Board’s order of July 9, 2015.

² It is unclear whether the parties have concluded the required discovery conference. If the parties have concluded the discovery conference they can let the Board know that they have done so and may file another appropriate motion to extend or suspend, if desired.