

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 14, 2015

Opposition No. 91222744

Sandhills Publishing Company

v.

Sand Hill UX Inc.

Monique Tyson, Paralegal Specialist:

By order dated August 4, 2015, the Board reset the deadline for filing an answer to the notice of opposition up to, and including, September 1, 2015. By the same order, the Board reset the deadline for the parties' discovery conference for October 1, 2015, as well as all subsequent trial dates accordingly.

On August 28, 2015, Applicant filed his answer to the notice of opposition. On October 2, 2015, the parties filed a consented motion to extend these proceedings for 14 days so that the parties may pursue settlement negotiations.

In its announcement of the final rule requiring discovery conferences, the Board stated:

The Board anticipates it will be liberal in granting extensions or suspensions of time to answer, when requested to accommodate settlement talks or submission of the dispute to an arbitrator or mediator. However, 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.

“Miscellaneous Changes to Trademark Trial and Appeal Board Rules,” 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007)(emphasis added).

Accordingly, inasmuch as the stipulated motion to extend for settlement negotiations was filed after the filing of Applicant’s answer but prior to the reset deadline for the parties’ discovery conference and because the purpose of the discovery conference is to afford the parties an opportunity to discuss settlement, the stipulated motion to extend is **DENIED** for a lack of showing of good cause.

Trial dates remain as reset by Board order dated August 4, 2015.