

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: December 16, 2015

Opposition No. 91224152

*mophie, Inc.*

*v.*

*Spigen, Inc.*

**Amy Matelski, Paralegal Specialist:**

The Board notes the consented motion filed by Opposer on December 9, 2015 to suspend and extend all dates, including the discovery conference deadline, for the parties to pursue settlement.<sup>1</sup>

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

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<sup>1</sup> The trial schedule set forth in opposer’s electronically generated motion, did not take into consideration the conferencing and disclosure deadlines. Opposer’s attention is directed to the statement on the ESTTA website, which informs the parties that they should not use the consent motions forms if the proceeding was instituted on or after November 1, 2007. Instead the parties should file its motions to extend utilizing the general filings tab.

Applicant’s answer to the notice of opposition, filed November 9, 2015 is noted and accepted.

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

Disclosure, discovery and trial dates remain as previously set in the Board’s order of September 30, 2015.