

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: January 15, 2016

Opposition No. 91224702

Sinclair Finance Company

v.

*Hong Kong NETEASE Interactive
Entertainment Limited*

Ellen Yowell, Paralegal Specialist:

The Board notes the consented motion filed by Opposer on January 7, 2016 to suspend this proceeding for the parties to pursue settlement. In its motion, Opposer indicates that the parties have not held their discovery conference.

The Board notes that Applicant filed its answer to the notice of opposition on December 9, 2015.¹

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 Applicant’s change of correspondence address filed on December 4, 2015 is also noted and the Board’s record has been updated accordingly.

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 was filed after the answer, but prior to the parties’ discovery conference deadline, the Board does not find good cause to suspend. 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 November 3, 2015.

To the extent that the parties may file a revised consented motion to suspend or extend for settlement after the discovery conference has been held, the parties are advised that they may not use the ESTTA “consent motions” forms when the next period to close is the deadline for initial disclosure. Any motion to extend or suspend when the next period to close is the deadline for initial disclosure should be drafted by the moving party, include a proposed schedule (in the same format as the Board’s institution order) with a full set of deadlines, and be filed using the ESTTA “general filings” option.