

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: May 26, 2016

Opposition No. 91226609

Wayne Fueling Systems LLC

v.

SunPower Corporation

Lalita Greene, Paralegal Specialist:

Opposer's consented motion filed May 18, 2016, to extend trial dates, including the deadline for discovery conference is noted.

The parties are reminded that the trademark rules place on the parties a shared responsibility to conference to discuss the scope of the pleadings, the possibility of settlement and planning for disclosures and discovery, as explained in the notice of institution. The Board does not find in opposer's motion good cause to delay the parties' required conference to allow for settlement talks when the parties are required to discuss settlement in the conference. See "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007):

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.

Inasmuch as the circumstances recited in the extension request are not deemed to be extraordinary in nature, the request is denied. Conferencing, disclosure, discovery and trial dates remain as set. See Trademark Rule 2.120(a)(2).