

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: August 8, 2016

Opposition No. 91227886

*T.J. Carolan & Son Limited*

*v.*

*Starbuzz Tobacco, Inc.*

**Veronica P. White, Paralegal Specialist:**

The Board notes the stipulated motion filed by Applicant on August 2, 2016 to suspend all dates including the discovery conference deadline.

After an answer is filed,<sup>1</sup> the Board will not, absent extraordinary circumstances not present here, find good cause to extend the deadline for the discovery conference for settlement negotiations, even upon stipulation or consent. See “Miscellaneous Changes to Trademark Trial and Appeal Board Rules,” 72 Fed. Reg. 42242, 42245 (August 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.

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<sup>1</sup> Applicant’s answer (filed June 24, 2016) is noted.

In view thereof, said motion is **DENIED**. Trial dates remain as previously set in the Board's order of May 16, 2016. After the parties have conducted the required discovery conference, the Board will entertain any motions to extend or suspend for settlement, as appropriate.