

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 19, 2013

Cancellation No. 92045173

Glenn Danzig

v.

Cycloplan Music, Inc.

**Denise M. DelGizzi,
Technical Program Manager:**

FINAL SUSPENSION ORDER

Petitioner's motion on consent (filed September 13, 2013) to suspend for settlement negotiations is noted. Extensions and suspensions account for more than six years of delay in this proceeding for settlement negotiations. Each motion alleged that the parties were engaged in negotiations aimed at a possible settlement of this dispute. On March 17, 2008, the Board granted the parties' February 7, 2008 motion for an extension or suspension pending settlement negotiations and also required the parties to file a progress report with all future motions for extension of time or suspension pending settlement negotiations. The subsequent motions report some progress in the parties' negotiations (involvement in multiple Board

proceedings, draft agreements exchanged, phone conferences, change of counsel, etc.), although a final resolution has not been reached and it remains unclear if and when that will happen. Nonetheless, each motion was granted by the Board.

As mentioned above, this proceeding has been pending for more than six years. There is no doubt that more than a six year delay qualifies as an inordinate amount of time to settle a dispute, and although the Board does not dispute that the delay is justifiable, inasmuch as the parties have been involved in what the Board assumes to have been an earnest and good-faith, but as yet unsuccessful effort towards settlement, it does not appear to the Board that further suspension for settlement purposes would be useful or appropriate.

The Board commends the parties for their efforts to date, and urges them to continue their discussion notwithstanding the Board's misgivings about the utility of further extensions or suspensions, but given the glacial pace of their progress to date, proceedings herein are resumed on the schedule set out in the parties' September 13, 2013 motion as copied below. Further extension or suspension for the purposes of settlement discussion will not be granted absent a showing of extraordinary circumstances.

Proceedings Resume: 12/16/2013

Discovery Period to Close: 03/17/2014

Thirty-day testimony period for
party in position of
plaintiff to close: 04/15/2014

Thirty-day testimony period for
party in position of
defendant to close: 05/15/2014

Fifteen-day rebuttal testimony
period to close: 06/02/2014

In each instance, a copy of the transcript of the
testimony, together with copies of documentary exhibits, must be
served on the adverse party within thirty days after completion
of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule
2.128(a) and (b). An oral hearing will be set upon request as
provided by Trademark Rule 2.129.
