

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

Mailed: January 12, 2009

Cancellation No. 92047433

Gado S.A.R.L.

v.

Jay-Y Enterprise Co., Inc.

**Robert H. Coggins,  
Interlocutory Attorney:**

This case now comes up on petitioner's motion (filed December 4, 2008) to suspend proceedings, or, in the alternative, for an extension of time. Respondent filed a brief in opposition to the motion.

The Board exercised its discretion to determine the outstanding motion by telephone and conducted a conference on January 8, 2009, at approximately 5:00 p.m. Eastern time. During the telephone conference petitioner was represented by Robert A. Pierce and Mark Lerner, respondent was represented by Kenneth L. Wilton, and participating for the Board was the above-signed attorney responsible for resolving interlocutory disputes in this case.

During the conference, the Board considered the statements made by counsels for both parties, as well as the supporting correspondence and record of this case, in coming to a determination regarding the motion to suspend. The

Board presumes familiarity with the issues, and for the sake of efficiency this order does not summarize the parties' arguments raised in either the paper filings or during the telephone conference. Instead, this order lists the decisions made by the Board.

IT IS HEREBY ORDERED:

1. Petitioner's motion to suspend is granted *nunc pro tunc*.
2. Should either party file another unconsented motion to extend or suspend, the motion must be supported with a detailed explanation of the parties' settlement activities from the date of this order forward.
3. Discovery is closed. The testimony periods for the parties are reset according to the schedule set forth below.

30-day testimony period for party in position of plaintiff to close:	3/6/09
30-day testimony period for party in position of defendant to close:	5/5/09
15-day rebuttal testimony period to close:	6/19/09

The Board commends the parties for their collegiality during the conference and remains hopeful that the parties will continue to negotiate in good faith and can resolve their dispute informally.

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected

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rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>