

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

tdc

Mailed: July 15, 2009

Cancellation No. 92050129

PRESTOLITE WIRE LLC

v.

Hays Automotive, Inc.

Tyrone Craven, Paralegal Specialist:

Registrant's consented motion filed July 7, 2009 to suspend proceedings for thirty days is noted.

In registrant's motion, registrant seeks, with an allegation of petitioner's consent, time for the parties to negotiate settlement. 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 applicant'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 suspension request are not deemed to be extraordinary in nature, the request is denied. Nonetheless, because the parties may not, under the applicable rules, engage in discovery activities without first making the required initial disclosures, the deadline for making such disclosures and all subsequent dates are hereby reset as follows: See Trademark Rule 2.120(a)(2).

Initial Disclosures Due	9/6/2009
Expert Disclosures Due	1/4/2010
Discovery Closes	2/3/2010
Plaintiff's Pretrial Disclosures	3/20/2010
Plaintiff's 30-day Trial Period Ends	5/4/2010
Defendant's Pretrial Disclosures	5/19/2010
Defendant's 30-day Trial Period Ends	7/3/2010
Plaintiff's Rebuttal Disclosures	7/18/2010
Plaintiff's 15-day Rebuttal Period Ends	8/17/2010