

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

Mailed: July 29, 2009

Cancellation No. 92050895

Noble Communications Company

v.

AFC Network Private Limited

George C. Pologeorgis, Interlocutory Attorney:

By order dated June 17, 2009, the Board, *inter alia*, reset the deadline for filing an answer to the petition to cancel up to, and including, July 1, 2009. Additionally, the Board reset the deadline for the parties' discovery conference for August 1, 2009, as well as all subsequent trial dates accordingly. On July 1, 2009, respondent filed its answer to the petition to cancel. On July 24, 2009, petitioner filed a consented motion to suspend these proceedings for six months so that the parties may pursue settlement negotiations.

In its announcement of the final rule requiring discovery conferences, the Board stated:

The Board anticipates it will be liberal in granting extensions or suspensions of time to answer, when requested to accommodate settlement talks or submission of the dispute to an

arbitrator or mediator. However, 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.

"Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007) (emphasis added).

Accordingly, inasmuch as petitioner's consented motion to suspend for settlement negotiations was filed after the filing of respondent's answer but prior to the reset deadline for the parties' discovery conference and because the purpose of the discovery conference is to afford the parties an opportunity to discuss settlement, petitioner's consented motion to suspend is denied for a lack of showing of good cause. The Board notes, however, that the reset deadline for the parties' discovery conference is imminent and, therefore, in order to afford the parties time in which to prepare for said conference, the deadline for the discovery conference and all subsequent trial dates are reset as follows:

Deadline for Discovery Conference	8/14/2009
Discovery Opens	8/14/2009
Initial Disclosures Due	9/13/2009
Expert Disclosures Due	1/11/2010
Discovery Closes	2/10/2010
Plaintiff's Pretrial Disclosures	3/27/2010
Plaintiff's 30-day Trial Period Ends	5/11/2010
Defendant's Pretrial Disclosures	5/26/2010
Defendant's 30-day Trial Period Ends	7/10/2010
Plaintiff's Rebuttal Disclosures	7/25/2010
Plaintiff's 15-day Rebuttal Period Ends	8/24/2010
