

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

BUO

Mailed: February 21, 2013

Cancellation No. 92051170

O2Micro International Limited

v.

O2 Holdings Limited

David Mermelstein, Administrative Trademark Judge:

Now before the Board is respondent's consent motion to suspend pending settlement negotiations, filed February 8, 2013. By its motion, respondent requests suspension for thirty days. On February 20, 2013, the Board conducted a telephone conference regarding the motion. Participating were Stephen L. Baker for respondent, Teresa C. Tucker and Alex P. Garens for petitioner, and Benjamin U. Okeke, interlocutory attorney.

This proceeding has been pending now for nearly four years. The parties were informed in the Board's order of December, 12, 2012, that any future consent motion for extension of time or suspension for settlement purposes needed to be accompanied by a detailed progress report; and further that no such motions would be granted absent a showing of extraordinary circumstances. The parties requested the

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telephone conference in order to provide a more detailed progress report and explain the necessity of further time to consummate an agreement.

The parties indicated that an agreement in principal has been reached. However, additional time is necessary to allow the parties-their respective boards' of directors, who are located overseas-to review and ratify the agreement. The parties also indicated that there are possibly two outstanding issues involving the global reach of the respective companies that may hamper the settlement.

Inasmuch as the parties have been involved in what we assume to have been earnest and good-faith-but as yet unsuccessful-settlement negotiations for more than three years, and considering the possibility that this settlement may collapse on the two outstanding issues, it does not appear to the Board that further suspensions for settlement purposes would be useful or appropriate.

Notwithstanding the Board's misgivings about the utility of further suspensions, especially given the outstanding issues, we will **GRANT** both respondent's current motion to suspend as well as respondent's oral motion during the telephone conference for additional suspension as set out below. The Board commends the parties for their efforts to date, and urges them to continue their discussions. But given the glacial pace of their progress to date, the parties should

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be prepared to proceed promptly to trial if an agreement is not sooner reached. The parties are reminded that although litigation may harden the stance of the respective parties, continued discussion regarding settlement during active litigation is encouraged. The parties indicated that they understood that no further extensions or suspensions for the purposes of settlement will be granted in this proceeding.

Accordingly, proceedings are **SUSPENDED** until **NINETY DAYS** from the mailing date of this order, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c). Proceedings shall resume May 21, 2013, without further notice or order from the Board, upon the following schedule:

Discovery Closes	5/5/2013
Plaintiff's Pretrial Disclosures	6/19/2013
Plaintiff's 30-day Trial Period Ends	8/3/2013
Defendant's Pretrial Disclosures	8/18/2013
Defendant's 30-day Trial Period Ends	10/2/2013
Plaintiff's Rebuttal Disclosures	10/17/2013
Plaintiff's 15-day Rebuttal Period Ends	11/16/2013

In each instance, a copy of the transcript of 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 only upon request filed as provided by Trademark Rule 2.129.

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If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.