

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

MT

Mailed: December 2, 2010

Cancellation No. 92052675

Schiff's Restaurant
Service, Inc.

v.

Scavazzo Enterprises Inc.

Monique Tyson, Paralegal Specialist:

Petitioner's motion filed November 24, 2010 to extend time to complete the required settlement and discovery planning conference (discovery conference) is noted.

Petitioner seeks a "fourteen day extension within which Respondent might complete the Discovery Conference." The parties are reminded that they share 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. In addition, the Board finds no good cause to delay the parties' required conference to allow for the mere possibility of 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 the extension does not provide any compelling reasons for an extension or good cause, it is denied. Conferencing, disclosure, discovery and trial dates remain as set. See Trademark Rule 2.120(a)(2).