

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

Mailed: September 27, 2010

Cancellation No. 92052748

Tango/04 Computing Group, S.L.

v.

Tangoe, Inc.

Ann Linnehan, Interlocutory Attorney

Pursuant to Fed. R. Civ. P. 26(f) and Trademark Rules 2.120(a)(1) and (2), the parties to this proceeding conducted a discovery conference on September 21, 2010. Petitioner requested the Board's participation in such conference. Participating in the conference were petitioner's counsel, Jeff Goehring, respondent's counsel, Gene Winter, and the assigned Board Interlocutory Attorney.

The parties do not want to suspend proceedings at this point to engage in settlement discussions (although respondent's counsel indicated that respondent would be interested). The parties are not interested in proceeding under ACR at this time. The parties indicated that they were involved in Opposition No. 91189613. The parties discussed the status of that proceeding. The interlocutory attorney indicated that she would confer with the Board attorney assigned to the opposition proceeding regarding the

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consolidation of this proceeding with the opposition proceeding.

The Board reviewed the pleadings and noted that the petition to cancel includes only one claim.

During the course of the conference, the parties agreed to service by electronic mail. For the service of requests for admissions, however, the parties agreed to serve a hard copy of such requests.

The Board recommends that the parties agree upon other ways to promote a more efficient means to exchange information and to increase the likelihood that the merits of the case will be determined on a fairly created record. For example, the parties may stipulate to a shortening of the discovery period. See Trademark Rule 2.120(a)(2). The parties may agree to limit the number of requests for admissions and document requests each is allowed to serve. On stipulation of the parties, a discovery deposition may be taken or attended by telephone. See *Hewlett-Packard Co. v. Healthcare Personnel Inc.*, 21 USPQ2d 1552, 1553 (TTAB 1991).

Additionally, the parties may enter into a wide variety of stipulations concerning the admission of specified matter into evidence. For example, the parties may agree that the testimony of a witness may be submitted in the form of an affidavit by the witness or that a discovery deposition may be used as testimony. See TBMP Section 705 (2d ed. rev. 2004).

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Further, the parties may stipulate to the introduction of Internet materials by notice of reliance (with or without accompanying affidavit). The parties may go so far as to stipulate to the entire record or significant portions thereof. See e.g., *Target Brand Inc. v. Shaun N.G. Hughes*, 85 USPQ2d 1676.

Finally, the Board remains available by phone to further confer on the scope of discovery or to decide discovery disputes.

Dates remain as set in the Board's order of July 16, 2010.

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