

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Tdc

Mailed: May 12, 2014

Cancellation No. 92054171

Valeritas, Inc.

v.

VGO Communications, Inc.

**Tyrone Craven, Lead Paralegal Specialist:**

Petitioner's consented motion (filed April 22, 2014) to extend discovery and trial dates is noted. Because the parties are negotiating for a possible settlement of this case, proceedings are suspended up to, and including August 9, 2014, subject to the right of either party to request resumption at any time. *See* Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

The Board notes that this proceeding has been pending for close to three years, although no progress has apparently been made due to a number of motions to extend for settlement. The current motion to extend time is the twenty-third in the series, each motion alleging that the parties were engaged in discussions aimed at a possible settlement of this dispute.

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 close to three years, it does not appear to the Board that further extensions for settlement purposes would be useful or appropriate.

The Board commends the parties for their efforts to date, and urges them to continue their discussions. But given the pace of their progress to date, further extensions or suspensions for the purposes of settlement will not be granted absent a showing of extraordinary circumstances.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

<b>Proceedings Resume:</b>	<b>8/10/14</b>
Discovery Closes	<b>9/10/2014</b>
Plaintiff's Pretrial Disclosures	<b>10/25/2014</b>
Plaintiff's 30-day Trial Period Ends	<b>12/9/2014</b>
Defendant's Pretrial Disclosures	<b>12/24/2014</b>
Defendant's 30-day Trial Period Ends	<b>2/7/2015</b>
Plaintiff's Rebuttal Disclosures	<b>2/22/2015</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>3/24/2015</b>

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.<sup>1</sup>

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<sup>1</sup> If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.