

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

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Mailed: March 24, 2012

Cancellation No. 92055020

Tech Data Corporation

v.

StreamOne

**Robert H. Coggins,
Interlocutory Attorney:**

This case comes up on petitioner's consented motion (filed March 15, 2012) to extend. By way of the motion, which was filed between respondent's answer and the deadline for the discovery conference -and on the last day of the deadline for the discovery conference- petitioner seeks a three-month extension of time to allow the parties to discuss settlement.

While the Board is liberal in granting extensions of time to answer, when requested to accommodate settlement talks or submission of the dispute to an arbitrator or mediator, the Board is not liberal in granting extensions of time to accommodate settlement talks after the answer is filed but prior to the parties' discovery conference. The "Miscellaneous Changes to Trademark Trial and Appeal Board

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Rules," 72 Fed. Reg. 42242, 42245 (August 1, 2007),

provides:

if a motion to extend or suspend for settlement talks ... 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.

Petitioner's motion to extend was filed after answer but prior to the parties' discovery conference. The Board does not find good cause to extend the requested dates for settlement because the discovery conference itself provides an opportunity to discuss settlement. Inasmuch as the motion does not provide any compelling reason for an extension, it is denied.

However, because the deadline for the discovery conference has now passed, the Board resets the schedule follows:

Deadline for Discovery Conference	4/6/2012
Discovery Opens	4/6/2012
Initial Disclosures Due	5/6/2012
Expert Disclosures Due	9/3/2012
Discovery Closes	10/3/2012
Plaintiff's Pretrial Disclosures	11/17/2012
Plaintiff's 30-day Trial Period Ends	1/1/2013
Defendant's Pretrial Disclosures	1/16/2013
Defendant's 30-day Trial Period Ends	3/2/2013
Plaintiff's Rebuttal Disclosures	3/17/2013

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Plaintiff's 15-day Rebuttal Period
Ends

4/16/2013

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