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

Mailed: September 23, 2014

Cancellation No. 92055641

The Port Authority of New York
and New Jersey

v.

Yitzhak Birnhack

Rochelle Adams, Paralegal Specialist:

Registrant's consented motion filed September 22, 2014 to suspend proceedings for 30 days is granted.

Because the parties are negotiating for possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); TBMP § 605.02.

Progress Report Required for Motions to Suspend or Extend for Settlement

The Board has granted numerous motions to suspend or extend in this proceeding to accommodate the parties' settlement efforts. Upon expiration of the suspension period granted in this order, in order to establish good cause for all future requests for suspension or extension, the parties must include, in any further motions to suspend or extend, a detailed report setting forth what

progress the parties have made towards settlement during the previous period of suspension

This report must set forth, at a minimum, 1) all dates on which the parties communicated, and the method of each communication (*e.g.* telephone, email, in-person meeting), 2) the general nature of each communication, 3) the issues that have been resolved, 4) the issues that remain to be resolved or that remain for trial, <u>and</u> 5) a proposed timetable for resolution of the unresolved issues. Appropriately designated confidential information or materials may be filed under seal and will be barred from public viewing. *See* Trademark Rule 2.126(c); TBMP §§ 120.02 and 502.02(c).

Due to the requirement for a progress report, the parties can no longer use the ESTTA consent motions form to file future motions to suspend or extend.

Absent a progress report as required above, a motion to suspend or extend may be denied, even if consented to by the parties. If the Board denies such a motion, dates may remain as previously set. *See* TBMP § 509.01(a).

If there is no word from either party concerning the progress of settlement, upon conclusion of the suspension period, <u>proceedings shall resume without further notice or order from the Board</u>, upon the schedule set forth in the September 22, 2014 motion.

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.l25. 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.l29.

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