

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

Mailed: January 29, 2014

Cancellation No. 92056582

Sephora

v.

HerStyler

Veronica P. White, Paralegal Specialist:

Respondent's consented motion (filed January 22, 2014) to extend time to file its answer to the petition to cancel and to extend conferencing, disclosure, discovery and trial dates is granted to the extent modified herein. In view of the parties' settlement negotiations and multiple extension requests, the Board finds it appropriate to suspend proceedings. Accordingly, proceedings herein are suspended until **May 21, 2014**, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

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 May 22, 2014 without further notice or order from the Board, upon the schedule set out below.

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|---|------------|
| Time to Answer | 6/21/2014 |
| Deadline for Discovery Conference | 7/21/2014 |
| Discovery Opens | 7/21/2014 |
| Initial Disclosures Due | 8/20/2014 |
| Expert Disclosures Due | 12/18/2014 |
| Discovery Closes | 1/17/2015 |
| Plaintiff's Pretrial Disclosures | 3/3/2015 |
| Plaintiff's 30-day Trial Period Ends | 4/17/2015 |
| Defendant's Pretrial Disclosures | 5/2/2015 |
| Defendant's 30-day Trial Period Ends | 6/16/2015 |
| Plaintiff's Rebuttal Disclosures | 7/1/2015 |
| Plaintiff's 15-day Rebuttal Period Ends | 7/31/2015 |

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 Rule 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.

As a final matter, the Board notes that this proceeding has been pending since December 2012 and the parties have been discussing settlement for the entirety of that time, yet no settlement has been reached. In the event that the parties seek further extensions of time or periods of suspension to facilitate settlement discussions, the parties must support

such a request with a detailed report on the progress of their settlement negotiations to establish good cause. Such a report should address (1) when the last settlement proposal was sent, by whom, and when a response is expected, (2) a recitation of the issues that have been resolved since the commencement of this proceeding, (3) a list of issues that remain to be resolved, and (4) a timetable for resolution. Absent such a report, any future motion to extend or suspend, even though agreed to by the parties, may not be approved.