

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

Mailed: October 2, 2013

Cancellation No. 92057518

The George Nelson Foundation

v.

Empire IP Holdings LLC

**Cheryl S. Goodman, Interlocutory Attorney:**

On September 30, 2013, respondent's counsel filed a request for Board participation in the parties' discovery conference. Respondent's counsel advised that both parties' counsel are available on October 16, 17<sup>th</sup> and 18<sup>th</sup>, presumably in both the A.M. and P.M. since no particular time was specified.<sup>1</sup>

Accordingly, the Board selects Wednesday October 16, 2013, 11:00 AM EDT (10:00 AM CDT) as the date and time for the discovery conference.<sup>2</sup>

The parties may use the following conference call in number and meeting ID:

571-270-3000; meeting ID 24270.

---

<sup>1</sup> The parties advised of an error in the scheduling order of August 23, 2013 such that the discovery conference deadline should have been October 24, 2013.

<sup>2</sup> The USPTO's current operating status is open, as the USPTO is operating on reserve funds during the next four weeks during the government shutdown. <http://www.uspto.gov/news/2013ops.jsp>.

The parties should be prepared to discuss the topics identified in the notice of institution (docket entry #2, on TTABVUE) as topics to be addressed at the discovery conference.

Additionally, since the Board does not involve itself in the parties' settlement discussions, the parties should be prepared to reconvene the discovery conference to discuss settlement as well as any other topics which the Board deems more appropriate for the parties to discuss without Board participation. Thus, the Board shall excuse itself at the appropriate time and leave the parties to reconvene to discuss any matters not addressed. The parties should be prepared to schedule a day and time to reconvene on the record.