

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

Mailed: January 15, 2014

Cancellation No. 92058144

Conopco, Inc.

v.

Skimpy Cocktails LLC dba
Skimpy Mixers

Amy Matelski, Paralegal Specialist:

Petitioner's consented motion filed January 10, 2014 for suspension for settlement is noted.¹

In petitioner's motion, petitioner seeks, with an allegation of registrant's consent, time for the parties to continue settlement efforts. The parties are reminded that the trademark rules place on the parties a shared responsibility to conference to discuss the scope of the pleadings, the possibility of settlement and planning for

¹ The trial schedule set forth in petitioner's electronically generated motion, did not take into consideration the conferencing and disclosure deadlines. Applicant's attention is directed to the statement on the ESTTA website, which informs the parties that they should not use the consent motions forms if the proceeding was instituted on or after November 1, 2007. Instead the parties should file its motions to extend utilizing the general filings tab.

disclosures and discovery, as explained in the notice of institution. The Board does not find in petitioner's motion good cause to delay the parties' required conference to allow for settlement talks when the parties are required to discuss settlement in the conference. See "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007):

if a motion to extend or suspend for settlement talks, arbitration or mediation 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.

Inasmuch as the circumstances recited in the suspension request are not deemed to be extraordinary in nature, the motion is denied. Conferencing, disclosure, discovery and trial dates remain as set.² See Trademark Rule 2.120(a)(2).

² Registrant's answer to the petition to cancel, filed December 13, 2013 is noted and made of record.