

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: February 17, 2016

Cancellation No. 92060085

DCore Lifestyle Inc.

v.

Port Excel International Limited

Veronica P. White, Paralegal Specialist:

Respondent's consented motion (filed February 8, 2016) to further suspend this proceeding to accommodate the parties' efforts to settle this matter is granted.

Accordingly, proceedings are suspended in accordance with the motion, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

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 without further notice or order from the Board, upon the schedule set forth in Respondent's consented motion. For the convenience of the parties the schedule is copied below:

Time to Answer	3/11/2016
Deadline for Discovery Conference	4/10/2016
Discovery Opens	4/10/2016
Initial Disclosures Due	5/10/2016
Expert Disclosures Due	9/7/2016

Discovery Closes	10/7/2016
Plaintiff's Pretrial Disclosures	11/21/2016
Plaintiff's 30-day Trial Period Ends	1/5/2017
Defendant's Pretrial Disclosures	1/20/2017
Defendant's 30-day Trial Period Ends	3/6/2017
Plaintiff's Rebuttal Disclosures	3/21/2017
Plaintiff's 15-day Rebuttal Period Ends	4/20/2017

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

Progress Report Required for Any Further Motions to Extend or Suspend for Settlement

As a final matter, the Board notes that numerous motions to suspend have been granted in this proceeding to accommodate the parties' settlement efforts. In view of the length of time provided to the parties, the Board imposes the following reporting requirement: Any future motion to suspend or extend which is based on settlement must be supported by a detailed report setting forth what progress the parties have made towards settlement. 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, and 5) a proposed time-**

table 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 option*** to file future motions to suspend or extend ***instead use the general filings option.***

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).¹

¹ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.