

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 22, 2016

Cancellation No. 92063494

*Prospector Capital Partners, Inc.*

v.

*DTTM Operations LLC*

George C. Pologeorgis,  
Administrative Trademark Judge:

On August 18, 2016, Respondent filed a consented motion to suspend this proceeding for ninety days to allow the parties to pursue settlement. Respondent employed the “consented motion form” option in ESTTA which provided for a deadline to file an answer to the petition to cancel upon resumption of the suspension period. The Board’s ESTTA filing system automatically granted the consented motion to suspend on August 18, 2016.

The Board notes, however, that there are two pending motions in this matter, i.e., Respondent’s motion to dismiss filed on May 23, 2016 and Petitioner’s cross-motion for default judgment filed on May 30, 2016. Accordingly, the “consented motion form” option employed by Respondent in seeking a suspension for settlement that reset the deadline to file an answer to the petition to cancel upon resumption from suspension for settlement was improper. In view thereof, the Board’s August

18, 2016, order granting the suspension for settlement is hereby **VACATED** and substituted with this order.

Respondent's August 18, 2016, consented motion to suspend for settlement is **GRANTED** to the extent that these proceedings are suspended for settlement up to, and including, **November 16, 2016**, 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 (2016).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period for settlement, Respondent is allowed until **November 28, 2016** in which to file and serve a response to Petitioner's cross-motion for default judgment. A reply brief in support of the motion for default judgment, if filed, is due in accordance with Trademark Rule 2.127(a).

In accordance with this order, proceedings remain suspended for settlement and will remain suspended at the conclusion of the settlement suspension period pending the disposition of Respondent's motion to dismiss and Petitioner's cross-motion for default judgment.

As a final matter, if the parties seek another consented motion to suspend for settlement, they are **precluded** from employing the "consented motions form" option in ESTTA; instead, the parties must employ the "general filing" option and include a proposed trial schedule with their consented motion to suspend. If the

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parties file a consented motion to suspend for settlement by employing the “consented motions form” option, said motion will be summarily denied.