

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

Mailed: July 19, 2011

Concurrent Use No. 94002494

The Dream Team, LLC

V.
Sports Entertainment, Inc.
d/b/a Ivar's Sports Bar and
Grill

v.

The Dream Team, LLC

Millicent Canady, Paralegal Specialist:

Defendant's (Sports Entertainment, Inc.) motion filed June 22, 2011, to suspend proceedings for ninety (90) days and to extend trial dates, including the deadline for discovery conference is noted.

Defendant seeks, with an allegation of applicant's (The Dream Team, LLC) consent, time for the parties to continue to negotiate their 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 disclosures and discovery, as explained in the notice of institution. The Board does not find in either 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) (emphasis added):

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 requests are not deemed to be extraordinary in nature, the requests are denied. Nonetheless, because the parties may not, under the applicable rules, engage in discovery activities without first making the required initial disclosures, the deadline for making such disclosures and all subsequent dates are hereby reset as follows:

Discovery Opens	8/19/2011
Initial Disclosures Due	9/18/2011
Expert Disclosures Due	1/16/2012
Discovery Closes	2/15/2012
Plaintiff's Pretrial Disclosures	3/31/2012
Plaintiff's 30-day Trial Period Ends	5/15/2012
Defendant's Pretrial Disclosures	5/30/2012
Defendant's 30-day Trial Period Ends	7/14/2012
Plaintiff's Rebuttal Disclosures	7/29/2012
Plaintiff's 15-day Rebuttal Period Ends	8/28/2012

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.