

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: March 21, 2003

Opposition No. 91124549

AMERICAN MULTI-CINEMA, INC.

v.

HUBBARD MEDIA GROUP, LLC

Cheryl Goodman, Interlocutory Attorney:

On December 12, 2002, applicant filed a response to the Board order of December 4, 2002, expressing confusion as to the contents of the Board order inasmuch as applicant stated it had filed its answer to the notice of opposition. However, the Board has no record of receipt of applicant's answer. In its communication of December 12, 2002, applicant provided proof of receipt by the Office of its answer, and a copy of the answer.¹

In view thereof, applicant's answer is accepted and entered into the proceeding file.

In the Board order of December 4, 2002, the parties were advised that a request to suspend was appropriate if the parties were discussing settlement; however, the parties were reminded that the parties must provide sufficient

¹ It does not appear that applicant's originally filed answer has ever been associated with the proceeding file.

information to establish good cause. Applicant's consented request for suspension, included in its communication of December 12, 2002, does not state any reason therefor and in fact, does not evidence good cause as required by Trademark Rule 2.117(c). Nevertheless, applicant's consented motion to suspend proceedings is granted to the extent that proceedings are considered suspended up to the mailing date of this order.

However, the parties are advised that future requests to suspend which do not evidence good cause, may not be granted, even if on consent or stipulated to by the parties. See TBMP Section 2.117(c). *Cf., Luemme Inc. v. D.B. Plus Inc.* 53 USPQ2d 1758, 1760 (TTAB 1999). Therefore, if the parties are conducting settlement negotiations, a request for suspension should so state.

Proceedings are resumed. Discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: **June 27, 2003**

30-day testimony period for party in position of plaintiff to close: **September 25, 2003**

30-day testimony period for party in position of defendant to close: **November 24, 2003**

15-day rebuttal testimony period for party in position of plaintiff to close: **January 8, 2004**

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.