

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

WINTER

Mailed: March 31, 2008

Opposition No. 91165427

Safco Products Co.

v.

HNI Technologies Inc.

Elizabeth J. Winter, Interlocutory Attorney:

Opposer's consented motion filed January 4, 2008 to suspend this proceeding for ninety days pending the parties' settlement negotiations is granted. Trademark Rule 2.127(a), 37 C.F.R. § 2.127(a). Accordingly, dates are reset as set out in the motion, which are set forth on page three of this order for the parties' convenience.¹

The Board notes, however, that this proceeding has been pending since May 25, 2005, and that the parties have sought and been granted numerous extensions of time or suspensions

¹ While the Board attempts, where possible, to notify the parties of its decision on an uncontested motion to extend, prior to expiration of the enlargement sought, the Board is under no obligation to do so, and in many cases cannot. See *Chesebrough-Pond's Inc. v. Faberge, Inc.*, 618 F.2d 776, 205 USPQ 888 (CCPA 1980). Therefore, it is preferable, that a motion to extend or to suspend request that the new period or periods be set to run from the date of the Board's decision on the motion.

Opposition No. 91165427

of the proceeding to negotiate a possible settlement of this case. In view thereof, should either party request an extension of time or a suspension of this proceeding, said party must provide a showing of good cause for the extension of time or suspension, which must comprise a detailed status report regarding the progress of the parties' settlement negotiations, including when the last settlement proposal was sent, by whom, and when a response is expected, a recitation of the issues that have been resolved over the last two and 3/4 years, a list of issues that remain to be resolved, and a timetable for resolution. Confidential information may be so designated and will be barred from public viewing. Absent such a report, any further motion to extend or suspend may not be approved, even though agreed to by the parties.

This proceeding is **SUSPENDED** and will resume without further notice or order from the Board, on **April 4, 2008**, upon the schedule set out below.

The parties are allowed THIRTY DAYS from resumption in which to serve responses to any outstanding discovery requests. As set out in opposer's motion, trial dates, including the close of discovery, are reset as follows:

Proceedings Resume: **April 4, 2008**

Discovery period to close: **August 2, 2008**

Thirty-day testimony period for party in position of plaintiff to close: **October 31, 2008**

Thirty-day testimony period for party in position of defendant to close: **December 30, 2008**

Fifteen-day rebuttal testimony period to close: **February 13, 2009**

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. See Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b), 37 C.F.R. §§2.125(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 2.129.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:
<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

Opposition No. 91165427

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>