

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

Mailed: January 16, 2007

Opposition No. 91172057

Top Oil Products Company

v.

Life Automotive Products

Ann Linnehan, Interlocutory Attorney

This case now comes up for consideration of applicant's motion (filed November 29, 2006) to suspend proceedings for settlement negotiations. Opposer has filed a response thereto.

By way of background, proceedings herein were previously suspended for ninety days (or until November 29, 2006) in a Board order issued on August 31, 2006 wherein applicant's consented motion to suspend for settlement negotiations was granted.

In support of its most recent motion, applicant contends that the parties are "currently continuing negotiation of terms for a settlement agreement regarding this dispute" and the suspension is necessary to allow the parties time to settle this matter.

In response, opposer argues that any suspension longer than thirty days is unwarranted. Specifically, opposer

contends that after proceedings were suspended for ninety days in the Board's August 31, 2006 order, applicant "fell silent" and had not "responded to opposer's good faith attempts to settle." Opposer states that it "is still willing to negotiate, but is no longer confident that applicant is requesting an extension in good faith."

Trademark Rule 2.117(c) provides for the suspension of proceedings for good cause.

Inasmuch as it appears that applicant has not demonstrated a history of actively engaging in settlement negotiations, the Board agrees with opposer and finds that a period of suspension longer than thirty days is unwarranted. In view of opposer's willingness to try, once again, to settle this dispute, proceedings herein are suspended for a period of **thirty days** from the date set forth in the caption above.

In the event that there is no word from either party concerning the progress of their negotiations within the next **thirty days**, the Board will issue an order resuming proceedings and resetting trial dates, including the time for discovery.

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