

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

EJW

Mailed: May 11, 2009

Opposition No. 91175341

F & C Management Limited

v.

RBC Dain Rauscher Inc.

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On May 7, 2009, the Board denied with prejudice the parties' request for suspension of this matter because the motion failed to include information comprising a detailed report regarding the status of their settlement negotiations.

The Board notes that opposer resubmitted (on May 8, 2009) its consented request for suspension, which provides additional details regarding the status of said negotiations. The renewed motion requests suspension of this proceeding for sixty days from May 8, 2009 to July 7, 2009.¹ In view thereof, the consented motion to suspend is granted and

¹ While the Board attempts, where possible, to notify the parties of its decision on a consented 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.

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proceedings herein are **SUSPENDED** for sixty days from the mailing date of this order, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next sixty days, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Proceedings resume:	7/11/2009
Discovery Period to close:	CLOSED
30-day testimony period for party in position of plaintiff to close:	8/10/2009
30-day testimony period for party in position of defendant to close:	10/9/2009
15-day rebuttal testimony period to close:	11/23/2009

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. Trademark Rule 2.125.

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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.



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

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>