

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

nmt

Mailed: August 5, 2008

Opposition No. 91181376

Affinity Federal Credit Union

v.

United States Automobile
Association

Nicole M. Thier, Paralegal Specialist

Applicant seeks an extension of trial dates including the time for completing the discovery conference.¹ The parties are reminded that they share 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. In addition, the Board finds no good cause to delay the parties' required conference. See "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007):

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

¹ Applicant's July 28, 2008 motion to extend failed to include a certificate of mailing. The Board reminds both parties that a certificate of mailing is required on all papers filed with the Board, including those filed online via ESTTA.

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 extension request does not provide any compelling reasons for an extension or good cause, it is denied. Disclosure, discovery and trial dates are reset as indicated below. See Trademark Rule 2.120(a)(2).

Initial Disclosures Due	9/5/2008
Expert Disclosures Due	1/6/2009
Discovery Closes	2/5/2009
Plaintiff's Pretrial Disclosures	3/22/2009
Plaintiff's 30-day Trial Period Ends	5/6/2009
Defendant's Pretrial Disclosures	5/21/2009
Defendant's 30-day Trial Period Ends	7/5/2009
Plaintiff's Rebuttal Disclosures	7/20/2009
Plaintiff's 15-day Rebuttal Period Ends	8/19/2009