

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

Mailed: March 20, 2008

Opposition No. 91181642

Tia Maria Limited

v.

James Engel, Enore Ceola,
Mark Tucker

Clara Vela, Paralegal Specialist

On February 5, 2008, applicant filed its answer to the notice of opposition. On March 12, 2008, the deadline for the parties' settlement and discovery planning conference, opposer filed and was granted via ESTTA, a consented motion to extend discovery and trial dates.

In its announcement of the final rule requiring discovery conferences, the Board stated:

The Board anticipates it will be liberal in granting extensions or suspensions of time to answer, when requested to accommodate settlement talks or submission of the dispute to an arbitrator or mediator. However, 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 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.

"Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007) (emphasis added). Thus, once an answer has been filed, the parties should not file a request to extend the time for a settlement and discovery planning conference without a showing of sufficient good cause.

The Board finds no compelling reason or good cause to extend the parties' required conference to allow for the mere possibility of settlement talks when the parties are afforded the opportunity to discuss, among other things, settlement in the discovery conference.

Accordingly, the Board's March 12, 2008 order is vacated, and the parties' stipulated motion to extend is denied. The parties are expected to hold the required settlement and discovery planning conference before April 11, 2008, the date on which initial disclosures are due. The parties are reminded that a party may not serve discovery requests until it has made its initial disclosures.

The parties also are reminded that until further notice, they should not use the consented motions forms available on ESTTA to extend or suspend this proceeding.

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The parties are free to file a consented motion as an attachment to an ESTTA filing if they wish to extend or suspend proceedings after they have held the required conference.

Dates, except the date for the parties' settlement and discovery planning conference, remain as set in the Board's institution order, mailed January 2, 2008.