

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

Mailed: October 5, 2010

Opposition No. 91183059

John Varvatos Apparel Corp.

v.

Joseph Franco

Vionette Baez, Paralegal Specialist:

Plaintiff's consented motion (filed September 28, 2010) for 30 days suspension of proceedings pending settlement discussions is noted. However, the Board's electronic filing system, ESTTA, failed to correctly reset disclosure, discovery and trial dates, accordingly.

In view thereof, opposer's September 28, 2010 motion is hereby granted. Proceedings are suspended and will resume on October 1, 2010 without further notice from the Board.

The Board also notes that this proceeding has been pending for almost two and half years. In order to avoid undue delay to the progress of this proceeding, the parties will be expected to establish good cause for any further suspensions herein and to state the purpose of the proposed suspension. That is, if the parties are engaged in

settlement discussions, they should so inform the Board and provide an updated status of the progress of such discussions. In the event the parties fail to comply with the foregoing, any future suspension may not be approved, even though agreed to by the parties. Confidential information may be so designated and will be barred from public viewing.

Disclosure, discovery and trial dates are reset as follows.

Proceedings resume	10/1/2010
Expert Disclosures Due	10/31/2010
Discovery Closes	11/30/2010
Plaintiff's Pretrial Disclosures	1/14/2011
Plaintiff's 30-day Trial Period Ends	2/28/2011
Defendant's Pretrial Disclosures	3/15/2011
Defendant's 30-day Trial Period Ends	4/29/2011
Plaintiff's Rebuttal Disclosures	5/14/2011
Plaintiff's 15-day Rebuttal Period Ends	6/13/2011

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.

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.