

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

Mailed: September 3, 2009

Opposition No. 91188698

Football Fanatics, Inc.

v.

Fanatix, Inc.

Frances S. Wolfson, Interlocutory Attorney:

Opposer's motion, filed August 17, 2009, for continued suspension is noted.

Because the parties have not yet held their discovery conference, the motion is denied.¹ See *Miscellaneous Changes to Trademark Trial and Appeal Board Rules*, 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007). As stated in the Notice of Final Rulemaking:

[I]f 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.

¹The June 8, 2009 order is hereby vacated insofar as it granted opposer's motion to suspend for settlement purposes, which is considered moot in light of the then-pending motion to withdraw.

Id., at 42245. The Federal Register notice is available at www.uspto.gov/web/offices/dcom/ttab/index.html.

In view thereof, proceedings are resumed on the schedule set out below.

Deadline for Discovery Conference	10/13/09
Discovery Opens	10/13/09
Initial Disclosures Due	11/12/09
Expert Disclosures Due	3/12/10
Discovery Closes	4/11/10
Plaintiff's Pretrial Disclosures Due	5/26/10
Plaintiff's 30-day Trial Period Ends	7/10/10
Defendant's Pretrial Disclosures Due	7/25/10
Defendant's 30-day Trial Period Ends	9/8/10
Plaintiff's Rebuttal Disclosures Due	9/23/10
Plaintiff's 15-day Rebuttal Period Ends	10/23/10

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.