

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

Winter/tdc

Mailed: March 26, 2010

Opposition No. 91192724

Alvarez & Marsal Holdings,
LLC

v.

A2M Resources LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

The Board notes applicant's consented motion filed February 24, 2010 to suspend proceedings for sixty days for the parties to negotiate settlement.

The parties are reminded that the Trademark Rules place on the parties a shared 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. The Board does not find in applicant's motion good cause to delay the parties' required conference to allow for settlement talks when the parties are required to discuss settlement in the conference. See "Miscellaneous Changes to Trademark Trial

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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 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 circumstances recited in the extension request are not deemed to be extraordinary in nature, the request is denied.¹ Nonetheless, because the parties may not, under the applicable rules, engage in discovery activities without first making the required initial disclosures, the deadline for making such disclosures and all subsequent dates are hereby reset as shown below. See Trademark Rule 2.120(a)(2). If the parties have not yet conducted the required discovery conference as previously reset, they should do so no later than April 6, 2010.

Deadline for Discovery Conference	4/6/2010
Discovery Opens	5/6/2010
Initial Disclosures Due	5/6/2010
Expert Disclosures Due	10/3/2010
Discovery Closes	11/2/2010

¹ The parties may file another consented motion to suspend after the discovery conference is conducted.

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Plaintiff's Pretrial Disclosures	12/17/2010
Plaintiff's 30-day Trial Period	
Ends	1/31/2011
Defendant's Pretrial Disclosures	2/15/2011
Defendant's 30-day Trial Period	
Ends	4/1/2011
Plaintiff's Rebuttal Disclosures	4/16/2011
Plaintiff's 15-day Rebuttal Period	
Ends	5/16/2011

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. See Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 2.129.

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