

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

Winter/nmt

Mailed: May 29, 2010

Opposition No. 91193779

Fratelli Branca
Distillerie S.r.l.

v.

Branca, Inc.

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Opposer's consented motion (filed April 29, 2010) for an extension of the discovery period and trial dates, including the discovery conference, so that the parties may conduct settlement discussions is noted. The Board also notes that said motion was filed after the filing of applicant's answer.

The Board generally does not grant motions to extend time or to suspend for settlement negotiations that are filed between the filing of an answer and the deadline for 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,

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2007). Opposer has not shown that varying from the Board's general practice is warranted in this case.

Nonetheless, in view of the passage of time since the filing of the subject motion, a brief extension is allowed. Accordingly, trial dates, including the date for the discovery conference, are reset as shown below. See Trademark Rule 2.120(a)(2). The discovery conference, if it has not already transpired, must be conducted no later than June 15, 2010.

Deadline for Discovery Conference	6/15/2010
Discovery Opens	6/15/2010
Initial Disclosures Due	7/15/2010
Expert Disclosures Due	11/12/2010
Discovery Closes	12/12/2010
Plaintiff's Pretrial Disclosures	1/26/2011
Plaintiff's 30-day Trial Period	
Ends	3/12/2011
Defendant's Pretrial Disclosures	3/27/2011
Defendant's 30-day Trial Period	
Ends	5/11/2011
Plaintiff's Rebuttal Disclosures	5/26/2011
Plaintiff's 15-day Rebuttal Period	
Ends	6/25/2011

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**

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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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