

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

BUO

Mailed: June 14, 2013

Opposition No. 91198398

Raytheon Company

v.

General Atomics Aeronautical  
Systems, Inc.

**Benjamin U. Okeke, Interlocutory Attorney:**

This proceeding has been pending for well over two years. Action on the proceeding has been stayed or otherwise delayed since its institution in late January 2011 pending the parties' pursuit of settlement.

Now before the Board is opposer's consent motion, filed May 22, 2013, to extend the time for applicant to file its answer and to reset the remaining dates for conferencing, disclosure, discovery, and trial pending settlement negotiations. Opposer requests an additional thirty-day extension, to accommodate the parties continued settlement negotiations. The current motion is the eighteenth motion to suspend or extend in the series, each motion alleging that the parties were engaged in discussions aimed at a possible settlement of this dispute. As a consequence of

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this series of motions, little progress has been made in this proceeding, as an answer has yet to be filed. The motions have not reported any progress toward an actual settlement of the matter, nor do the motions report where the parties stand in their negotiation efforts. Nonetheless, each of these motions has been granted by the Board.

Inasmuch as the parties have been involved in what we assume to have been earnest and good-faith – but as yet unsuccessful – settlement negotiations for more than two years, it does not appear to the Board that further extension or suspension for settlement purposes would be worthwhile.

Notwithstanding the Board's misgivings about the utility of further extensions or suspensions for settlement, to avoid hardship and surprise, the motion is **GRANTED**, and the applicant is granted **THIRTY DAYS** from the mailing date of this order to file its answer. The Board commends the parties for their efforts to date, and urges them to continue their discussions. But given the glacial pace of their progress to date, the parties should be prepared to proceed promptly to trial if an agreement is not sooner reached. Further extensions or suspensions for the purposes of settlement will not be granted absent a showing of *extraordinary* circumstances. In addition, the parties

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should contact the assigned Board interlocutory attorney before filing any further motions for suspension or extension of time. The parties should be prepared to discuss the progress of their negotiations, including a recitation of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. If leave is granted to file such a motion a written progress report detailing this information is required.

In the event that there is no word from either party indicating that settlement has been reached, upon conclusion of the suspension period, proceedings shall resume on **July 17, 2013**, without further notice or order from the Board, upon the following schedule:

Time to Answer	7/17/2013
Deadline for Discovery Conference	8/16/2013
Discovery Opens	8/16/2013
Initial Disclosures Due	9/15/2013
Expert Disclosures Due	1/13/2014
Discovery Closes	2/12/2014
Plaintiff's Pretrial Disclosures	3/29/2014
Plaintiff's 30-day Trial Period Ends	5/13/2014
Defendant's Pretrial Disclosures	5/28/2014
Defendant's 30-day Trial Period Ends	7/12/2014
Plaintiff's Rebuttal Disclosures	7/27/2014
Plaintiff's 15-day Rebuttal Period Ends	8/26/2014

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.

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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.