

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

VW

Mailed: January 15, 2013

Opposition No. 91207385

Eagle Creek, Inc.

v.

Eleven IP Holdings LLC

Cheryl S. Goodman, Interlocutory Attorney:

Opposer's consented motion (filed December 17, 2012) to extend the time for the parties' discovery conference, disclosure, discovery and trial dates is noted.

Opposer seeks a sixty day extension to allow the parties time to discuss settlement. However, inasmuch as one of the purposes of the discovery conference is to discuss settlement, the Board does not find in opposer's motion good cause to extend the discovery conference deadline. See "Miscellaneous Changes to Trademark Trial 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.

Accordingly, opposer's December 17, 2012 motion to extend is **DENIED**.

Conferencing, disclosure, discovery and trial dates remain as previously set. See Trademark Rule 2.120(a)(2). Therefore, the parties should proceed to convene their discovery conference.

After the discovery conference is conducted, the Board will entertain any motions to extend or suspend for settlement, as appropriate.

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