

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

Mailed: October 31, 2013

Opposition No. 91211107

Erin P. Murphy

v.

Lawson Currie

Nicole Thier, Paralegal Specialist:

Applicant's consented motion filed September 21, 2013 to extend trial dates, including the deadline for discovery conference is noted.

In applicant's motion, applicant seeks time 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 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 Conferencing, disclosure, discovery and trial dates remain as set for in the Board's August 16, 2013 order. No further extension or suspension requests will be entertained until the parties complete their mandatory discovery conference and inform the Board. See Trademark Rule 2.120(a)(2).

¹Applicant's August 16, 2013 request for an extension of time was granted via the ESTTA online filing system and automatically granted in error providing an incorrect trial schedule because applicant had not indicated the proper upcoming due date in its request.