UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
TTAB Assistance Center: 571-272-8500

Mailed: May 30, 2018

Opposition No. 91213620

British Knights N.A. LLC

v.

Benecke-Kaliko AG

Karl Kochersperger, Paralegal Specialist:

Applicant's[1] consented motion, filed May 9, 2018, to suspend this proceeding for 60 days is granted for good cause shown. The parties are reminded that there is a continuing obligation to provide good cause in the form of progress reports for any further extension or suspension request.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time.[2] *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

---

[1] It is noted that the Board's March 13, 2018 order that was mailed to Applicant was returned as undeliverable by the U.S. Postal Service. The Board encourages trademark owners to exercise due diligence in monitoring the status of their applications and registrations, and their correspondence information, online through the USPTO website and databases accessible from the website. Every party is responsible for ensuring that the Board has its current email and correspondence address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. *See* TBMP § 117.07.

[2] The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed.[3] *See* Trademark Rule 2.18(b)(1).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

Applicant is allowed until July 8, 2018, in which to answer the notice of opposition. An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1). Conferencing, disclosure, discovery, and trial dates are reset as follows:

or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate, as is the case here. *See* Trademark Rule 2.117(c).

[3] If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.

Time to Answer	7/8/2018
Deadline for Discovery Conference	8/7/2018
Discovery Opens	8/7/2018
Initial Disclosures Due	9/6/2018
Expert Disclosures Due	1/4/2019
Discovery Closes	2/3/2019
Plaintiff's Pretrial Disclosures Due	3/20/2019
Plaintiff's 30-day Trial Period Ends	5/4/2019
Defendant's Pretrial Disclosures Due	5/19/2019
Defendant's 30-day Trial Period Ends	7/3/2019
Plaintiff's Rebuttal Disclosures Due	7/18/2019
Plaintiff's 15-day Rebuttal Period Ends	8/17/2019
Plaintiff's Opening Brief Due	10/16/2019
Defendant's Brief Due	11/15/2019
Plaintiff's Reply Brief Due	11/30/2019
Request for Oral Hearing (optional) Due	12/10/2019

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).