

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

Mailed: March 16, 2015

Opposition No. 91220084

American Council on Exercise

v.

ACE Education and Training Center

Veronica P. White, Paralegal Specialist:

The Board notes the consented motion filed by Applicant on March 11, 2015 to suspend all dates, including the discovery conference deadline, for the parties to pursue settlement.

While the Board is liberal in granting extensions of time to accommodate settlement, after an answer has been filed, the Board is unlikely to find good cause for a motion, even upon consent or stipulation, to extend the deadline for the parties to conduct the required discovery conference when the basis for the motion is the existence of settlement discussions. See TBMP § 509.01(a); *Boston Red Sox Baseball Club LP v. Chaveriat*, 87 USPQ2d 1767, 1767 n.1 (TTAB 2008) (“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 motion to suspend was filed after the answer, but prior to the parties’ discovery conference deadline, the Board does not find good cause to suspend. Accordingly, said motion is **DENIED**. The parties are expected to proceed to conduct the required discovery conference without delay. If, after the conference, the parties are interested in a suspension of proceedings, the Board will consider such a request upon the filing of a new motion.

Disclosure, discovery and trial dates remain as previously set in the Board’s order of January 8, 2015.