

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: April 26, 2017

Opposition No. 91222651  
Opposition No. 91228234

*Swiss Army Brand Ltd., Wenger S.A., Victorinox AG, Victorinox Swiss Army, Inc*

*v.*

*Swiza S.A.*

**Amy Matelski, Paralegal Specialist:**

Opposer's consented motion, filed April 24, 2017, to suspend this proceeding for settlement negotiations, is granted.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended up to, and including October 24, 2017, subject to the right of either party to request resumption at any time.<sup>1</sup> See Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

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<sup>1</sup> 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 or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate. See Trademark Rule 2.117(c).

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. *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 on October 25, 2017 without further notice or order from the Board, upon the schedule set forth below.

Expert Disclosures Due	November 25, 2017
Discovery Closes	December 25, 2017
Plaintiff's Pretrial Disclosures	February 8, 2018
30-day testimony period for plaintiff's testimony to close	March 25, 2018
Defendant/Counterclaim Plaintiff's Pre-trial Disclosures	April 9, 2018
30-day testimony period for defendant and plaintiff in the counterclaim to close	May 24, 2018
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	June 8, 2018
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	July 23, 2018
Counterclaim Plaintiff's Rebuttal Disclosures Due	August 7, 2018
15-day rebuttal period for plaintiff in the counterclaim to close	September 6, 2018
Brief for plaintiff due	November 5, 2018
Brief for defendant and plaintiff in the counterclaim due	December 5, 2018
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	January 4, 2019
Reply brief, if any, for plaintiff in the counterclaim due	January 19, 2019

If the parties agree to another extension or suspension, they will be expected to report to the Board on the progress of discovery, or of any ongoing settlement negotiations. Such report must include: a recitation of discovery taken to date, a statement of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

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).