

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 30, 2016

Opposition No. 91224016

*Crimson U.S. Assets LLC*

*v.*

*Avacta Limited*

**Lalita Greene, Paralegal Specialist:**

Opposer's consented motion, filed March 17, 2016, to further suspend proceedings to accommodate the parties' efforts to settle this matter is **denied**.

The Board herein modifies the schedule in this case because Opposer's automatically granted December 4, 2015, January 22, 2016, and February 17, 2016 consent motions form contained inappropriate dates, and it is evident from the March 17, 2016 motion that the parties have not held the mandatory discovery conference. While the Board is liberal in granting suspensions or extensions of time to answer, when requested to accommodate settlement, the Board is not liberal in granting suspensions or extensions of time to suspend for settlement after the answer is filed but prior to the parties' discovery conference. The "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (August 1, 2007), provides:

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.

The Board does not find good cause to suspend for settlement herein because the discovery conference itself provides an opportunity to discuss settlement.

Inasmuch as the motion does not provide any compelling reason for suspension, it is (as indicated above) denied. The parties must hold the mandatory settlement and discovery conference. 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.

Dates are rest on the following schedule:

Deadline for Discovery Conference	<b>4/29/2016</b>
Discovery Opens	<b>4/29/2016</b>
Initial Disclosures Due	<b>5/29/2016</b>
Expert Disclosures Due	<b>9/26/2016</b>
Discovery Closes	<b>10/26/2016</b>
Plaintiff's Pretrial Disclosures	<b>12/10/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>1/24/2017</b>
Defendant's Pretrial Disclosures	<b>2/8/2017</b>
Defendant's 30-day Trial Period Ends	<b>3/25/2017</b>
Plaintiff's Rebuttal Disclosures	<b>4/9/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/9/2017</b>

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed