

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: February 14, 2017

Opposition No. 91231444

Paramount International Export, Ltd.

v.

*Archie McCoy*¹

Rochelle Adams, Paralegal Specialist:

On January 24, 2017, Opposer filed a consented motion to suspend this proceeding for 90 days so that the parties may negotiate settlement. Opposer's motion specifically states that the parties have not yet conducted their required discovery conference under Trademark Rules 2.120(a)(1) and (a)(2)..

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

¹ Applicant's answer filed on December 21, 2016 is noted.

motion is filed after answer but prior to the discovery conference, precisely because the discovery conference itself provides an opportunity to discuss settlement”).

In as much as the motion to suspend was filed after the answer, but prior to the parties’ conducting their required discovery conference, 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.

Discovery, disclosure and trial dates remain as previously set in the Board’s November 28, 2016 institution order.

As a final matter, the parties are precluded from using the “consented motions” form in ESTTA for consented motion to extend or suspend until the initial disclosure deadline has expired and the parties have exchanged their initial disclosures. To the extent the parties seek another consented request to extend or suspend prior to the initial disclosure deadline, the parties must employ the “general filings” form and include a proposed trial schedule with their filing.