

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: August 3, 2017

Opposition No. 91231903

*Consejo Regulador de la Denominacion de
Origen Rioja*

v.

BAI Brands, LLC

Ellen Yowell, Paralegal Specialist:

Opposer's consented motion, filed August 1, 2017, to suspend this proceeding for 30 is granted.¹

Accordingly, proceedings are suspended in accordance with the motion, subject to the right of either party to request resumption at any time.² *See* Trademark Rules 2.117(c) and 2.127(a); TBMP § 605.02.

¹ Inasmuch as the parties seek to reopen a deadline that has already passed, namely the time for filing an amended notice of opposition, the motion is construed as a motion to reopen.

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 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.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, proceedings shall resume without further notice or order from the Board upon the schedule set forth in Opposer's motion.

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).

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