

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 27, 2017

Opposition No. 91232125

Marvel Characters, Inc. and DC Comics

v.

Emily Schromm

Tyrone Craven, Lead Paralegal Specialist:

Opposer's consented motion, filed February 15, 2017, to suspend this proceeding for three months is granted.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended up to, and including May 15, 2017, subject to the right of either party to request resumption at any time.¹ See Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

¹ 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.² *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 without further notice or order from the Board, upon the schedule set forth below.

Applicant is allowed until **June 15, 2017**, in which to answer the notice of opposition. Conferencing, disclosure, discovery, and trial dates are reset as follows:

Proceedings Resume:	5/16/2017
Deadline for Discovery Conference	7/15/2017
Discovery Opens	7/15/2017
Initial Disclosures Due	8/14/2017
Expert Disclosures Due	12/12/2017
Discovery Closes	1/11/2018
Plaintiff's Pretrial Disclosures Due	2/25/2018
Plaintiff's 30-day Trial Period Ends	4/11/2018
Defendant's Pretrial Disclosures Due	4/26/2018
Defendant's 30-day Trial Period Ends	6/10/2018
Plaintiff's Rebuttal Disclosures Due	6/25/2018
Plaintiff's 15-day Rebuttal Period Ends	7/25/2018
Plaintiff's Opening Brief Due	9/23/2018
Defendant's Brief Due	10/23/2018
Plaintiff's Reply Brief Due	11/7/2018

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

² 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.

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).