

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 18, 2018

Opposition No. 91234209

*Hilton International Holding USA Corpora-  
tion*

*v.*

*Spring Thymes Holdings, LLC*

**Lalita Webb, Paralegal Specialist:**

Opposer's consented motion, filed April 11, 2018, to suspend proceedings to accommodate the parties' efforts to settle this matter is **denied**.<sup>1</sup>

It has come to the attention of the Board that the trial schedule set forth in Opposer's electronically generated July 5, 2017 motion, did not take into consideration the initial disclosure deadline. Opposer's attention is directed to the statement on the ESTTA website, which informs the parties that they should not use the consent motions forms to extend or suspend until after the deadline for initial disclosures. See ESTTA Important User Guideline II. Instead the parties should file its motions to extend utilizing the general filings tab.

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<sup>1</sup> The Board notes the parties have indicated that they have not held the required discovery conference. The parties are expected to proceed to conduct the required discovery conference without delay.

The Board herein modifies the schedule in this case because Opposer's automatically granted July 5, 2017, and the Board's order dated December 19, 2017 consent motions form contained inappropriate dates, and it is evident from the July 5, 2017 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 reset on the following schedule:

Initial Disclosures Due	<b>6/17/2018</b>
Expert Disclosures Due	<b>10/15/2018</b>
Discovery Closes	<b>11/14/2018</b>
Plaintiff's Pretrial Disclosures Due	<b>12/29/2018</b>
Plaintiff's 30-day Trial Period Ends	<b>2/12/2019</b>
Defendant's Pretrial Disclosures Due	<b>2/27/2019</b>
Defendant's 30-day Trial Period Ends	<b>4/13/2019</b>
Plaintiff's Rebuttal Disclosures Due	<b>4/28/2019</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/28/2019</b>
Plaintiff's Opening Brief Due	<b>7/27/2019</b>
Defendant's Brief Due	<b>8/26/2019</b>
Plaintiff's Reply Brief Due	<b>9/10/2019</b>

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).