

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: September 8, 2017

Opposition No. 91234432

Shazam Entertainment Limited

v.

W.B. Mason Co., Inc.

Victoria von Vistauxx, Paralegal Specialist:

Opposer's consented motion, filed September 6, 2017, to suspend this proceeding for 30 days is granted, as modified.¹

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

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. *See* Trademark Rule 2.18(b)(1).

¹ The parties are advised that they may not use the ESTTA "consent motion" form when the next period to close is the deadline for initial disclosure. Any motion to extend or suspend prior to initial disclosure should be drafted by the moving party, include a proposed schedule (in the same format as the Board's institution order) with full set of deadlines, and be filed using the ESTTA "general filings" option. For future reference, the parties are directed to utilize the tips on ESTTA filing which can be viewed at: http://www.uspto.gov/sites/default/files/trademarks/process/appeal/ESTTA_TIPS

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, in accordance with Opposer's motion, as follows:

Discovery Opens	10/7/2017
Initial Disclosures Due	11/6/2017
Expert Disclosures Due	3/6/2018
Discovery Closes	4/5/2018
Plaintiff's Pretrial Disclosures Due	5/20/2018
Plaintiff's 30-day Trial Period Ends	7/4/2018
Defendant's Pretrial Disclosures Due	7/19/2018
Defendant's 30-day Trial Period Ends	9/2/2018
Plaintiff's Rebuttal Disclosures Due	9/17/2018
Plaintiff's 15-day Rebuttal Period Ends	10/17/2018
Plaintiff's Opening Brief Due	12/16/2018
Defendant's Brief Due	1/15/2019
Plaintiff's Reply Brief Due	1/30/2019
Request for Oral Hearing (optional) Due	2/9/2019

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

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only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).