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: November 15, 2017

Opposition No. 91236100

Regatta Ltd

v.

Shree' Daniels

Ellen Yowell, Paralegal Specialist:

The Board notes the consented motion filed by Opposer on November 8, 2017, to suspend the above-captioned proceeding for the parties to pursue settlement.

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

Inasmuch as the motion to suspend was filed after the answer, but prior to the parties' discovery conference deadline, 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.

Disclosure, discovery, and trial dates remain as previously set forth in Applicant's motion filed September 13, 2017, which was granted on September 14, 2017.

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, matters in evidence, the manner and timing of taking testimony, 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).

To the extent that the parties may file a revised consented motion to suspend or extend for settlement after the discovery conference has been held, the parties are advised that they may not use the ESTTA "consent motions" forms when the next period to close is the deadline for initial disclosure. Any motion to extend or suspend when the next period to close is the deadline for initial disclosure should be drafted by the moving party, include a proposed schedule with a full set of deadlines, and be filed using the ESTTA "general filings" option.