

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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August 9, 2024

Opposition No. 91274806

Nook Digital, LLC

v.

Walz L337 LLC

Ellen Yowell, Lead Paralegal Specialist:

Opposer's consented motion, filed August 7, 2024, to extend the deadline for expert disclosures, and to reset all subsequent deadlines in view of the parties' settlement efforts is noted.

By order dated April 24, 2024, the parties were instructed to provide a detailed report of the parties' settlement efforts in order to demonstrate good cause for any future motion to extend or suspend. The parties were reminded of this requirement in the Board's order dated June 24, 2024. However, Opposer's August 7, 2024 motion failed to include detailed information (or any information) regarding the progress of the parties' settlement negotiations.

In view thereof, the consented motion is **DENIED without prejudice**. The parties may resubmit their motion, supported by the required report. Said report must be accompanied by a detailed progress report listing, at a minimum, 1) all dates

on which the parties communicated, and the method of each communication (e.g. telephone, email, in-person meeting), 2) the general nature of each communication, 3) the issues that have been resolved, 4) the issues that remain to be resolved or that remain for trial, and 5) a proposed timetable for resolution of the unresolved issues.

Due to this requirement, the parties may no longer use the ESTTA “Consent Motions” forms to submit motions to extend or suspend dates for settlement. Rather, the parties must select the “Opposition, Cancellation or Concurrent Use (general filings)” option, the “Scheduling Motions” option, then the “Motion to Suspend for Settlement Discussions” form to which the parties may attach the motion they prepared. The motion must set forth both the required status report and a proposed trial schedule including all desired subsequent deadlines for any future motion to extend trial dates or to suspend this proceeding. Any future motion to extend or suspend not filed in this manner, whether consented to or not, will be summarily denied

The proceeding schedule remains as previously set by the Board’s order dated June 24, 2024.