

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: July 30, 2014

Cancellation No. 92056987

Fluke Corporation

v.

Yello Strom GmbH

Veronica P. White, Paralegal Specialist:

Petitioner's consented motion (filed July 14, 2014) to further suspend this proceeding to accommodate the parties' continued settlement negotiations is granted.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended up to, and including December 31, 2014, subject to the right of either party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

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 January 1, 2015 without further notice or order from the Board, upon the schedule set forth in petitioner's motion. For the convenience of the parties the schedule is copied below:

| | |
|---|-------------------|
| Time to Answer | 1/31/2015 |
| Deadline for Discovery Conference | 3/2/2015 |
| Discovery Opens | 3/2/2015 |
| Initial Disclosures Due | 4/1/2015 |
| Expert Disclosures Due | 7/30/2015 |
| Discovery Closes | 8/29/2015 |
| Plaintiff's Pretrial Disclosures | 10/13/2015 |
| Plaintiff's 30-day Trial Period Ends | 11/27/2015 |
| Defendant's Pretrial Disclosures | 12/12/2015 |
| Defendant's 30-day Trial Period Ends | 1/26/2016 |
| Plaintiff's Rebuttal Disclosures | 2/10/2016 |
| Plaintiff's 15-day Rebuttal Period Ends | 3/11/2016 |

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129. If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

As a final matter, the Board notes that this proceeding has been pending since April 2013 and the parties have been discussing settlement for the entirety of that time, yet no settlement has been reached. In view of the length of time provided to the parties, the Board imposes the following reporting requirement: Any future motion to extend or suspend which is based on settlement must be supported by a detailed report setting forth what progress the parties have made towards settlement. This report must set forth, 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. Appropriately designated confidential information or materials may be filed under seal and will be barred from public viewing. *See* Trademark Rule 2.126(c); TBMP §§ 120.02 and 502.02(c).

Absent a progress report as required above, a motion to suspend or extend may be denied, even if consented to by the parties. If the Board denies such a motion, dates may remain as previously set. *See* TBMP § 509.01(a).¹

¹ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.