

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: January 9, 2018

Cancellation No. 92067235

Tiny Little Monster LLC

v.

Lisa Desantis

Ann Linnehan, Attorney

The submission of December 13, 2017 (a consented motion to extend/suspend) does not include proof of service. Trademark Rule 2.119(a) states that every submission filed in an *inter partes* proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. *See* TBMP § 113.02. The Board may decline to read or consider any future submission filed by Applicant in this proceeding which does not include proof of service. The Board informed the parties of the rules governing service and the service requirement in the notice of institution. Trademark Rule 2.119(b) sets forth the manner of service. *See also* TBMP § 113.04.

At this time, in order to expedite matters, and because the interests of the parties would be served thereby, the Board will consider this motion. The submission may be accessed via TTABVUE at: <http://ttabvue.uspto.gov/ttabvue/>.

Applicant's consented motion, filed December 13, 2017, to suspend this proceeding is granted.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.² *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).

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, upon the schedule set forth below.

Proceedings Resume:	7/7/2018
Answer Due	7/8/2018
Deadline for Discovery Conference	8/7/2018
Discovery Opens	8/7/2018
Initial Disclosures Due	9/6/2018
Expert Disclosures Due	1/4/2019
Discovery Closes	2/3/2019
Plaintiff's Pretrial Disclosures Due	3/20/2019
Plaintiff's 30-day Trial Period Ends	5/4/2019
Defendant's Pretrial Disclosures Due	5/19/2019
Defendant's 30-day Trial Period Ends	7/3/2019
Plaintiff's Rebuttal Disclosures Due	7/18/2019
Plaintiff's 15-day Rebuttal Period Ends	8/17/2019

¹ The Board notes that Applicant failed to

² The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate. *See* Trademark Rule 2.117(c).

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).