

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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May 9, 2019

Cancellation No. 92067997

*Orange Partners, LLC dba Healthy Home
Association*

v.

Healthy Housing Solutions, Inc.

Debra A. Vitus, Lead Paralegal:

Registrant's consented motion, filed May 6, 2019, to suspend this proceeding for 60 days is granted.

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.¹ See Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

¹ 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).

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.² *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.

An answer must be filed through ESTTA, the Board's Electronic System for Trademark Trials and Appeals. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1). Conferencing, disclosure, discovery, and trial dates are reset as follows:

Proceedings Resume: 7/6/2019

| | |
|---|------------|
| Time to Answer | 7/8/2019 |
| Deadline for Discovery Conference | 8/7/2019 |
| Discovery Opens | 8/7/2019 |
| Initial Disclosures Due | 9/6/2019 |
| Expert Disclosures Due | 1/4/2020 |
| Discovery Closes | 2/3/2020 |
| Plaintiff's Pretrial Disclosures Due | 3/19/2020 |
| Plaintiff's 30-day Trial Period Ends | 5/3/2020 |
| Defendant's Pretrial Disclosures Due | 5/18/2020 |
| Defendant's 30-day Trial Period Ends | 7/2/2020 |
| Plaintiff's Rebuttal Disclosures Due | 7/17/2020 |
| Plaintiff's 15-day Rebuttal Period Ends | 8/16/2020 |
| Plaintiff's Opening Brief Due | 10/15/2020 |
| Defendant's Brief Due | 11/14/2020 |
| Plaintiff's Reply Brief Due | 11/29/2020 |
| Request for Oral Hearing (optional) Due | 12/9/2020 |

² If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.

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).