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
General Email: TTABInfo@uspto.gov

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January 24, 2020

Cancellation No. **92071948**

Sallie Mae Bank

v.

Seacoast National Bank

Yong Oh (Richard) Kim, Interlocutory Attorney:

On November 22, 2019, shortly after the filing of Respondent's answer on November 18, 2019, the Board notified the parties by email that it would participate in the mandatory discovery conference as this matter was identified as a particularly suitable candidate for Accelerated Case Resolution (ACR) in view of the sole asserted ground of abandonment. In accordance with the schedule as last reset on October 16, 2019, the discovery conference was to be held by December 16, 2019.

On December 10, 2019, Opposer filed a consented motion to suspend this matter for sixty (60) days for the purpose of settlement. Prior to a discovery conference, however, the Board generally will find little cause to delay the conference for the purpose of settlement discussions since one of the purposes of the discovery conference is to discuss settlement. *See* "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007) ("if a motion to extend or suspend for settlement talks, arbitration or mediation is not filed prior to

answer, then the parties will have to proceed, after the answer is filed, to their discovery conference, one point of which is to discuss settlement. 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."). Thus, while the suspension requested by the parties would normally not be granted by the Board, in view of the time that has already elapsed and which remains in the suspension period as requested, the motion is **GRANTED** and the schedule proposed by the parties is operative herein.

Pursuant to that schedule, the deadline for the discovery conference is February 15, 2020. **The parties are therefore directed to confer and propose to the Board three (3) mutually agreeable dates and times for the conference and to specify the individual who will appear on behalf of each party.**[1] A contact number should be provided as the Board will initiate the conference call. It is recommended that the parties familiarize themselves with the ACR process by reviewing TBMP §§ 528.05(a)(2) and 702.04 and to be prepared to discuss the possibility of using ACR in this matter and to propose any specific ACR measures to which the parties may agree.

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[1] The holding of the discovery conference will not be subject to the suspension. As such, the parties may consider any date up to and including the deadline for the discovery conference. The parties' proposed dates and times should be communicated to the above-signed Interlocutory Attorney by way of an email to richard.kim2@uspto.gov. Of course, if the parties have reached a settlement thereby obviating the need for a discovery conference, that should be promptly conveyed to the Board.