

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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VV

November 22, 2021

Cancellation No. 92075942

*Micheva Corporation DBA Oomph Cooking
Blends*

v.

*Future Foods, LLC and The LiveKindly
Company, Inc. (Assignee)*

Victoria von Vistauxx, Paralegal Specialist:

Petitioner's consented motion, filed November 15, 2021, for sixty days extension of trial dates including the deadline for the parties' mandatory discovery conference, is noted. 9 TTABVUE.

The parties seek sixty days extension to allow the parties time to discuss settlement. However, the Trademark Rules places on the parties a shared responsibility to conference to discuss the scope of discovery and to plan for disclosures and the conduct of discovery, and to afford the parties the opportunity to discuss settlement, as explained in the Board's institution order of December 14, 2020 (2 TTABVUE 3). Therefore, inasmuch as the parties request for extension is to continue their settlement discussion, the Board does not find a good cause to delay the parties required conference to allow for settlement talks when the parties are

required to discuss settlement in the conference. See “Miscellaneous Changes to Trademark Trial and Appeal Board Rules,” 72 Fed. Reg. 42242, 42245 (Aug. 1, 2007).¹

Accordingly, the request for sixty days extension of trial dates is denied. Disclosure, discovery and all subsequent trial dates remain as set in the Board’s order dated October 12, 2021.

¹ A review of the file records shows that the deadline for discovery conference was set to expire on February 12, 2016. Furthermore, the Board notes that Respondent has filed its answer to the petition to cancel. It is the Board’s general policy not to extend the deadline for discovery conference once the answer has been filed.