

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 4, 2016

Opposition No. 91219286

eBay Inc.

v.

Fitbay, Inc.

Veronica P. White, Paralegal Specialist:

Applicant's consented motion (filed December 17, 2015) to further suspend this proceeding to accommodate the parties' efforts to settle this matter is granted.

Accordingly, proceedings are suspended in accordance with the motion, 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 without further notice or order from the Board, upon the schedule set forth in Applicant's consented motion. For the convenience of the parties the schedule is copied below:

Time to Answer	1/16/2016
Deadline for Discovery Conference	2/15/2016
Discovery Opens	2/15/2016
Initial Disclosures Due	3/16/2016
Expert Disclosures Due	7/14/2016

Discovery Closes	8/13/2016
Plaintiff's Pretrial Disclosures	9/27/2016
Plaintiff's 30-day Trial Period Ends	11/11/2016
Defendant's Pretrial Disclosures	11/26/2016
Defendant's 30-day Trial Period Ends	1/10/2017
Plaintiff's Rebuttal Disclosures	1/25/2017
Plaintiff's 15-day Rebuttal Period Ends	2/24/2017

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.¹

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