

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 10, 2004

Opposition No. 91114439

ITT INDUSTRIES, INC.

v.

QED ENVIRONMENTAL SYSTEMS,
INC.

Peter Cataldo, Interlocutory Attorney

Proceedings Resumed

Proceedings herein were suspended on May 16, 2003 in light of the parties' ongoing settlement negotiations. The suspension period having expired with no word from either party concerning the status of their negotiations, it is concluded that efforts to reach an amicable settlement in this case have been unsuccessful.

Answer Due and Dates Reset

Accordingly, proceedings herein are resumed and applicant is allowed until thirty days from the mailing date of this order to file an answer to the notice of opposition.

Discovery is open and the close of discovery and trial dates are set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: November 30, 2004

30-day testimony period for party
in position of plaintiff to close: February 28, 2005

30-day testimony period for party
in position of defendant to close: April 29, 2005

15-day rebuttal testimony period to close: June 13, 2005

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Parties Advised Regarding Further Extension Request

The Board notes that the instant cancellation proceeding was instituted in August 1999. Since that date, the parties have filed numerous requests for extension of time occasioned by the commencement of settlement discussions.

In view thereof, all further requests for extension of time must be accompanied by a report on the progress of the parties' settlement talks to establish good cause for any continued suspension.

This report should include a recitation of issues that have been resolved; issues that remain to be resolved; and a firm timetable for resolution. Absent such a report, the Board will look with disfavor on any future motions to extend or suspend, even those stipulated to by the parties.

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