

UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 1, 2004

Opposition No. 91120332

Magaschoni Apparel Group, Inc.

v.

Johannes L. Kappetein

Albert Zervas, Interlocutory Attorney

Opposer, Magaschoni Apparel Group, Inc., filed a notice of opposition on September 14, 2000, thereby commencing this proceeding.¹ Fed. R. Civ. P. 3 and Trademark Rule 2.101(a). A copy of the pleading has been forwarded to applicant's attorney with the Board's institution order mailed on September 21, 2004.

As permitted by Fed. R. Civ. P. 15(a) and Trademark Rule 2.107, opposer filed an amended notice of opposition on August 16, 2004. In view thereof, a copy of the amended pleading is forwarded herewith to applicant's attorney and applicant is allowed until **thirty days** from the date stamped on this paper in which to file its answer to the amended notice of opposition.

¹ It is noted that proceedings in this case have been suspended for several years in order to allow the parties to engage in

Additionally, opposer's motion (filed August 31, 2004) to extend the discovery and trial periods is granted as uncontested by applicant. (The Board has not received a response to opposer's motion.) See Trademark Rule 2.127(a). Thus, the discovery and testimony periods are reset as indicated below. 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.

DISCOVERY TO CLOSE: February 20, 2005

30-day testimony period for party
in position of plaintiff to close: May 21, 2005

30-day testimony period for party
in position of defendant to close: July 20, 2005

15-day rebuttal testimony period
to close: September 3, 2005

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.

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settlement negotiations. See Board orders of November 9, 2001 and January 13, 2003.