

**UNITED STATES PATENT AND TRADEMARK
OFFICE**
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: August 11, 2003

Opposition No. 120,885

SCHLAGE LOCK COMPANY
(formerly Kryptonite
Corporation)¹

v.

O.L. PRODUCTS, INC.

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

On November 20, 2002, the Board suspended proceedings to allow the parties the opportunity to pursue settlement negotiations. The suspension period has expired and it is concluded that efforts to reach an amicable settlement in this case have been unsuccessful.

On May 9, 2003, opposer filed a motion to compel discovery.

Proceedings herein remain suspended; however, they are suspended pending disposition of the motion to compel, except as discussed below. **Applicant is allowed thirty days**

¹ On September 30, 2002, opposer filed a request to change the caption of this proceeding to reflect its change of name. Opposer filed copies of merger documents that evidence a merger resulting in the change of name. Accordingly, the proceeding caption is

from the mailing date of this order to respond to opposer's motion to compel. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2), as amended effective October 9, 1998.²

This suspension order does **not** toll the time for either party to respond to discovery requests which had been duly served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to compel. See *Id.* The motion to compel will be decided in due course.

amended, as shown above, to reflect the name change. See TBMP Section 512.02.

² See Notice of Final Rulemaking published in the *Federal Register* on September 9, 1998 at 63 FR 48081 and in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.