

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

EAD

Mailed: March 11, 2003

Opposition No. 91125458

PIONEER KABUSHIKI KAISHA DBA
PIONEER CORPORATION

v.

HITACHI HIGH TECHNOLOGIES
AMERICA, INC., by merger with
NISSEI SANGYO AMERICA, LTD.¹

Elizabeth A. Dunn, Attorney:

Proceedings herein are suspended² pending disposition of opposer's October 30, 2002 motion to compel, except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

This order does **not** toll the time for either party to respond to discovery requests which had been duly served prior

¹ Insofar as Nissei Sangyo America, Ltd merged with HITACHI HIGH TECHNOLOGIES AMERICA, INC., and the merger is recorded with the U.S. Patent and Trademark Office (Reel 2515, Frame 0061), the caption of this proceeding is corrected to reflect that HITACHI HIGH TECHNOLOGIES AMERICA, INC. is applicant herein. See Trademark Rule 3.71(d), and 3.73(b); TBMP §512.01.

² Applicant's consented motions to extend discovery and trial dates, filed October 21, 2002 and December 19, 2002, are granted.

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.

The Board notes that on January 10, 2003, opposer withdrew its December 20, 2002 motion for a protective order. Accordingly, no further consideration will be given to opposer's motion for protective order.

The stipulated protective agreement filed on February 10, 2003 is noted. The parties are referred, as appropriate, to TBMP §§ 416.05 (Signature of Protective Order), 416.06 (Filing Confidential Materials With Board), 416.07 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.