

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

Mailed: August 28, 2002

Opposition No. 91150584

IN-N-OUT BURGERS

v.

REPIN-SKEES, INC.

David Mermelstein, Attorney:

Now before the Board are opposer's motion to amend its notice of opposition, filed June 24, 2002, and opposer's motion to compel discovery, filed July 17, 2002.

Opposer's motion to amend its notice of opposition is GRANTED as conceded. Trademark Rule 2.127(a), 2.107; Fed. R. Civ. P. 15. Upon resolution of opposer's motion to compel, applicant will be allowed time in which to file an answer to the amended notice.

Proceedings herein are SUSPENDED pending disposition of the 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), as amended effective October 9, 1998.

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

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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.

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