

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: May 6, 2005

Opposition No. 91152065

NIKE, INC.

v.

CLARIANT AG

Cindy B. Greenbaum, Attorney:

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.

Accordingly, proceedings are resumed. The parties are allowed THIRTY DAYS from the mailing date of this order to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:¹

¹The parties must note that this is not an order compelling discovery. A party seeking an order compelling discovery must file a motion to compel in accordance with Trademark Rule 2.120(e). Thus, the Board will not entertain a motion for discovery sanctions under Trademark Rule 2.120(g) based upon a party's failure to comply with the above provision.

DISCOVERY PERIOD TO CLOSE:

June 5, 2005

Thirty-day testimony period for party in position of plaintiff to close:

September 3, 2005

Thirty-day testimony period for party in position of defendant to close:

November 2, 2005

Fifteen-day rebuttal testimony period to close:

December 17, 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.