

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

EAD

Mailed: July 8, 2003

Opposition No. 91155020

Toho Co., Ltd.

v.

Carlton and McGraw
Partnership

Opposer's motion (filed April 17, 2003) for partial summary judgment striking applicant's affirmative defenses of laches, waiver, and estoppel is hereby granted as conceded. See Trademark Rule 2.127(a) and Fed. R. Civ. P. 56.

Pursuant to Trademark Rule 2.127(d), proceedings have been considered suspended as of the filing date of the potentially dispositive motion, and are now resumed.

Discovery is open, and the close of discovery and trial dates are reset as follows:

DISCOVERY to close	November 15, 2003
30-day testimony period for party in position of plaintiff to close:	February 13, 2004
30-day testimony period for party in position of defendant to close:	April 13, 2003
15-day rebuttal testimony period for plaintiff to close:	May 28, 2004

Opposition No. 155020

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.

***By the Trademark Trial
and Appeal Board***