

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

gcp/jk

Mailed: July 22, 2008

Opposition No. 91157113

Opposition No. 91157442

Opposition No. 91161235

BIG O TIRES, INC

v.

SUNRISE INCORPORATED

George C. Pologeorgis, Interlocutory Attorney:

It has come to the Board's attention that the order issued on May 28, 2008 in these consolidated proceedings requires correction to the extent that it (1) erroneously did not acknowledge the express abandonment of Application Serial No. 78115910, the subject application in child Opposition No. 91157442, (2) erroneously abandoned Application Serial No. 78115902, the subject application in parent Opposition No. 91157113, and (3) erroneously dismissed all three consolidated proceedings, thereby rendering parent Opposition No. 91157113 terminated.

The May 28, 2008 order in these consolidated proceedings is corrected, in part, as follows:

Pursuant to the parties' stipulated abandonment filed May 13, 2008, which provides for the express abandonment of Application Serial No. 78248571, Application Serial No. 78248571 stands abandoned with prejudice.

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Pursuant to the parties' stipulated abandonment filed May 13, 2008, which provides for the express abandonment of Application Serial No. 78115910, Application Serial No. 78115910 stands abandoned with prejudice.

Inasmuch as the parties' May 13, 2008 filing does not request or effectuate a change in either Opposition No. 91157113, or the application opposed therein, *i.e.*, Application Serial No. 78115902, Opposition No. 91157113 is hereby restored to pendency. Application Serial No. 78115902 was reinstated on July 16, 2008, and stands reinstated.

Moreover, child Oppositions Nos. 91157442 and 91161235, in accordance with the parties' respective stipulated abandonments (filed May 13, 2008) are both dismissed without prejudice. See Trademark Rule 2.135.

With respect to parent Opposition No. 91157113, which is restored by operation of this order, applicant's consented motion for an extension of trial periods (filed May 14, 2008) is granted. However, due to the passage of time, testimony periods are reset as follows:

DISCOVERY	CLOSED
Testimony period for party in position of plaintiff to close: (opening 30 days prior thereto)	<b>9/19/2008</b>
Testimony period for party in position of defendant to close: (opening 30 days prior thereto)	<b>11/18/2008</b>
Rebuttal testimony period to close: (opening 15 days prior thereto)	<b>1/2/2009</b>

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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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.