

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

Mailed: December 5, 2006

Opposition Nos. 91157206
91159578

Toyota Jidosha Kabushiki
Kaisha, t/a Toyota Motor
Corporation and Toyota Motor
Sales USA, Inc.

v.

Syngenta Participations AG

Linda Skoro, Interlocutory Attorney

This case now comes up on several motions: opposer's motion to reset the testimony periods, filed August 3, 2006; applicant's motion to reopen discovery and a renewed motion to compel, filed August 14, 2006; and opposer's motion to suspend pending a decision on the motion to reopen and compel, filed August 24, 2006.¹

In that these matters have been fully briefed and the Board believes that this proceeding has been pending too long, the following matters are summarily decided: Given the delay in addressing opposer's motion to reset the testimony periods and for good cause shown, opposer's motion to reset the testimony periods is hereby granted.

¹ It is noted that because the parties have continually been filing papers, the file did not come up for decision.

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Applicant's motion to reopen discovery and renew and/or reconsider the order denying any motion to compel is denied as both untimely and without a showing of excusable neglect. Opposer's motion to suspend is granted retroactively making its motion to reset the testimony periods timely.²

Accordingly, trial dates are hereby reset as indicated below:

30-day testimony period for party **1/15/2007**
in position of plaintiff to close:

30-day testimony period for party **3/16/2007**
in position of defendant to close:

15-day rebuttal testimony period to close: **4/30/2007**

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.

² While time is being given prior to the opening of the first testimony period, no further pretrial motions will be considered.