

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

Mailed: February 10, 2004

Opposition No. 91157711

Mag Instrument, Inc.

v.

Clariti Eyewear, Inc.

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

On December 19, 2003, the Board issued a notice of default in this proceeding which allowed applicant time to show cause why default judgment should not be entered against applicant for failure to file an answer.

On January 8, 2004, applicant filed a response to the notice of default stating that the parties agreed to extend applicant's time to answer. Attached to applicant's response is a copy of stipulation noting that the parties are in settlement negotiations and allowing applicant until March 1, 2004 to file an answer. Based on the information provided by applicant in its response, the notice of default mailed on December 19, 2003, is hereby set aside. See Fed. R. Civ. P. 55; and TBMP § 317.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).¹

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting the time for applicant to file an answer or other response to the notice of opposition.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

¹ If applicant files an answer on or prior to March 1, 2004, the Board will construe this as an intention to resume proceedings. Likewise, the Board would shortly thereafter issue an order resuming proceedings and rescheduling the discovery and trial dates.