

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

mc

Mailed: January 16, 2007

Opposition No. 91159799

SMITHS MEDICAL ASD, INC.  
(FORMERLY LEVEL 1, INC.)

v.

Portland Orthopaedics Pty Lt.

*Millicent Canady, Paralegal Specialist*

A review of the record shows that this case commenced on March 18, 2004. To obviate the continuous filing of additional extension or suspension requests and to allow parties time to continue their negotiations for possible settlement of this case, proceedings herein are suspended for an additional 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).

Inasmuch as the parties have had numerous extension of time and/or suspension of time since 2004, the parties are advised that to continue suspension after this period expires, or to seek further extensions, an updated report as to the progress of their settlement talks to establish good cause must be provided.

This report should set forth: a recitation of issues that remain to be resolved and a firm timetable for resolution. Absent such a report, any future motion to extend and/or suspend may not be approved, even though agreed to by the parties.

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

**Applicant** is allowed THIRTY DAYS from resumption in which to answer the **notice of opposition**. The parties are allowed the same THIRTY DAYS in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings resume:	<b>7/16/07</b>
Discovery Period to close:	<b>10/14/07</b>
30-day testimony period for party in position of plaintiff to close:	<b>1/12/08</b>
30-day testimony period for party in position of defendant to close:	<b>3/12/08</b>
15-day rebuttal testimony period to close:	<b>4/26/08</b>

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.

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