

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

MBA

Mailed: August 27, 2007

Opposition No. 91159799

Smiths Medical ASD, Inc.

v.

Portland Orthopaedics Pty Lt.

Jyll S. Taylor, Administrative Trademark Judge:

On January 16, 2007, the Board issued an order suspending this proceeding for six months and allowing applicant until August 16, 2007 to finally file its answer to the notice of opposition. The Board's order specifically stated that for the parties "to seek further extensions, an updated report as to the progress of their settlement talks" must be provided, and went on to describe the contents of such a report.

On August 13, 2007, applicant filed a consented motion to extend its time to file an answer until September 14, 2007, and a consented motion to extend the discovery and testimony periods for 30 days. Applicant's consent motion to extend its time to file an answer until September 14,

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2007 is hereby granted as conceded. Trademark Rule 2.127(a). However, the parties are warned that because this case has been pending for well over three years with no answer having been filed, no further extensions of time to file an answer will be granted, even if opposer consents thereto.

Applicant's consented motion to extend the discovery and testimony periods is hereby denied for failure to comply with the Board's order of January 16, 2007. Dates remain as set in the Board's order of January 16, 2007, with the exception of the deadline for applicant to finally file its answer.
