

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Mailed: July 19, 2004

Opposition No. 91160204

Bush Industries, Inc,

v.

Sharut Furniture, Inc.

Linda Skoro, Interlocutory Attorney

The answer and counterclaim filed by applicant on June 1, 2004, is noted. The counterclaim to cancel opposer's pleaded Registration No. 2,817,819 will not be considered because the proper fee has not been paid. See Trademark Rules 2.106(b)(2) and 2.111. See Trademark Rules 2.106(b)(2) and 2.111.

Applicant is allowed until **THIRTY DAYS** from the mailing date of this order to perfect the counterclaim by submitting the proper fee, failing which the counterclaim will not be further considered.

It is noted that opposer has gone ahead and answered the counterclaim. The answer remains of record and new dates are set forth below, as indicated. Should the counterclaim not be perfected, a new trial order will be issued.

THE PERIOD FOR DISCOVERY TO CLOSE:	11/6/2004
30-day testimony period for plaintiff in the opposition to close:	2/4/2005
30-day testimony period for defendant in the opposition and as plaintiff in the counterclaim to close:	4/5/2005
30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close:	6/4/2005
15-day rebuttal testimony period for plaintiff in the counterclaim to close:	7/19/2005
Briefs shall be due as follows: [See Trademark rule 2.128(a)(2)].	
Brief for plaintiff in the opposition shall be due:	9/17/2005
Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due:	10/17/2005
Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff in the opposition shall be due:	11/16/2005
Reply brief (if any) for plaintiff in the counterclaim shall be due:	12/1/2005