

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

Mailed: June 4, 2005

Opposition No. 91160266

MR. CHRISTOPHER BROOKS

v.

CREATIVE ARTS BY CALLOWAY, LLC

Nancy L. Omelko, Interlocutory Attorney:

This case now comes up on applicant's motion (filed February 24, 2005) to suspend proceedings for a period of six months. The motion has been fully briefed. In fact, opposer has filed a sur-reply and applicant has filed a sur-sur-reply.<sup>1</sup>

Proceedings herein were suspended pending disposition of opposer's motion (filed December 30, 2004) for summary judgment. Applicant filed two consented motions to extend its time to respond to opposer's motion, which the Board approved, thereby extending applicant's time until February 22, 2005.

In the motion before the Board, applicant argues that suspension is necessary because several members of applicant are ill; because the parties are engaged in settlement

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<sup>1</sup> These briefs have not been considered. See *No Fear, Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000).

negotiations; and because applicant must obtain new primary counsel to represent its interest in this matter. Applicant has provided the declaration of one of the members of applicant.

In response, opposer argues that despite the "purported" illness of certain of its members, applicant is believed to have other managers capable of aiding counsel in preparing its response to opposer's motion; that the parties are not engaged in any meaningful settlement negotiations; and that applicant is still represented by counsel. Opposer's response is supported by the declaration of its counsel.

In reply, applicant includes new arguments which we have not considered. Applicant also indicates that it has retained new counsel who will require time to locate and review the "voluminous past record; that it is understandable that the two seriously ill women did not want to put their detailed private medical records on public record; and that settlement negotiations have been ongoing.

Having shown good cause, applicant's motion is granted only to the extent that applicant is allowed until **thirty days** from the date of this order to file a response to opposer's motion for summary judgment.

Proceedings herein remain otherwise suspended.