

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

Mailed: July 14, 2005

Opposition No. **91160371**

Toyota Jidosha Kabushiki
Kaisha t/a Toyo t/a Toyota
Motor Corporation

v.

Jack Schwartz Shoes, Inc.

Peter Cataldo, Attorney:

Based upon the showing made by applicant in its May 27, 2005 response to the Board's May 2, 2005 notice of default, applicant's default is hereby discharged and the notice of default set aside.

In further view of the showing made in applicant's May 27, 2005 submission, proceedings herein are suspended for SIX MONTHS from the mailing date of this order in view of the parties' settlement negotiations, subject to the right of either party to request resumption at any time. During the suspension period, the parties shall notify the Board of any change of address for either the parties or their counsel.

Unless the parties sooner request resumption, upon conclusion of the suspension period, 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 file and serve its answer to the notice of opposition.

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

Proceedings Resume:	January 9, 2006
Discovery period to close:	May 9, 2006
Thirty-day testimony period for party in position of plaintiff to close:	August 7, 2006
Thirty-day testimony period for party in position of defendant to close:	October 6, 2006
Fifteen-day rebuttal testimony period to close:	November 20, 2006

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.

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