

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

acampbell
Mailed: March 24, 2005

Opposition No. 91161306

AM General LLC

v.

Optimizer, Inc.

Elizabeth A. Dunn, Interlocutory Attorney:

Applicant's motion for extension of time with consent (filed January 26, 2005) is noted. Because the parties are negotiating for possible settlement of this case, proceedings herein are suspended until 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).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting trial dates, including the time for discovery.

The stipulated protective agreement (filed January 25, 2005) is noted. The parties are referred, as appropriate,

Opposition No. 91161306

to TBMP §§ 412.03 (Signature of Protective Order), 412.04 (Filing Confidential Materials With Board), 412.05 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

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