

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Oct 06, 2005

PROCEEDING NO. 91161619  
BAUSCH & LOMB INCORPORATED

v.

National Vitamin Company, Inc.

MOTION TO SUSPEND GRANTED

BAUSCH & LOMB INCORPORATED's motion filed, Oct 06, 2005, to suspend this proceeding to allow the parties time to continue their settlement efforts is granted. Accordingly, proceedings herein are suspended until Dec 05, 2005, 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. If an answer has not been filed, the defendant is allowed until thirty days from the date of resumption to file an answer. The parties are allowed THIRTY DAYS from resumption in which to serve responses to any outstanding discovery requests.

**Proceedings Resume:**

**Dec 06, 2005**

DISCOVERY PERIOD TO CLOSE:

**Jun 12, 2006**

Thirty-day testimony period for party in  
position of plaintiff to close:

**Sep 10, 2006**

Thirty-day testimony period for party in  
position of defendant to close:

**Nov 09, 2006**

Fifteen-day rebuttal testimony period  
to close:

**Dec 24, 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.

***By the Trademark Trial  
and Appeal Board***