

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

Mailed: November 5, 2008

Opposition No. 91164764

Brink's Network, Incorporated

v.

The Brinkmann Corporation

Jennifer Krisp, Interlocutory Attorney:

On September 15, 2008, applicant filed (via certificate of mailing) a consented motion to extend to September 23, 2008 applicant's time to respond to opposer's motion (filed August 12, 2008) for partial summary judgment dismissing applicant's laches defense. Applicant's consented motion to extend is granted.

It is noted that applicant's motion (filed September 23, 2008 via certificate of mailing) for partial summary judgment sets forth a request for partial summary judgment dismissing opposer's dilution claim, as well as a response to opposer's motion for summary judgment on laches.

On October 14, 2008, opposer filed a motion to defer consideration of applicant's motion for partial summary judgment on opposer's dilution claim, asserting that applicant filed its motion in violation of the Board's August 19, 2008 order suspending proceedings with respect to any paper not relevant to opposer's motion for partial summary judgment, and that applicant's motion is not relevant to opposer's motion.

Applicant did not file an opposition to opposer's motion to defer. However, the Board declines to treat opposer's motion as conceded. The Board, in its discretion and in the interest of judicial economy, will consider both parties' motions for summary judgment upon the conclusion of the remaining briefing period allowed to the parties with respect to applicant's motion for partial summary judgment.

In view thereof, opposer's motion to defer is denied.

The Board hereby resets opposer's time to file its response to applicant's motion for partial summary judgment. Opposer is allowed until thirty (30) days from the mailing date of this order in which to file its response, if any, to applicant's motion for partial summary judgment. Applicant's reply brief, if any, is due thereafter in accordance with Trademark Rule 2.127(e) (1).

The Board will consider the motions for summary judgment in due course.

Proceedings otherwise remain suspended.