

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

Lykos

Mailed: February 14, 2007

Opposition No. 91166451

Yoplait Marques
Internationales

v.

Nutri/System IPHC, Inc.

Angela Lykos, Interlocutory Attorney

Applicant's motion (filed August 23, 2006) to divide Application Serial No. 78975262 is granted. See TBMP § 516 (2d ed. rev. 2004). In accordance with the request, the goods in International Class 29 shall remain in Application Serial No. 78975262, and the goods and services in International Class 30 and 44 shall be placed in **two (2)** new divided applications. The application will be forwarded to the ITU/Divisional Unit for processing of the division. Applicant in its motion states that the opposition will then proceed with regard to the goods in International Classes 29 and 30. In view thereof, after processing is completed, **all three applications** will be forwarded back to the Board, and opposer will be allowed time to file a formal withdrawal.

Opposer's consented motion (filed January 25, 2007) to suspend proceedings is granted. Accordingly, proceedings herein are suspended and **shall be automatically resumed on August 7, 2007** with trial dates, including the close of discovery, to be reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	11/7/07
30-day testimony period for party in position of plaintiff to close:	2/05/08
30-day testimony period for party in position of defendant to close:	4/5/08
15-day rebuttal testimony period to close:	5/20/08

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 Rules 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.