

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

Baxley

Mailed: October 23, 2008

Opposition No. **91166487**

Hasbro, Inc.

v.

Creative Action, LLC

Andrew P. Baxley, Interlocutory Attorney:

On October 22, 2008, opposer filed a communication with the Board to indicate that the civil action styled *Hasbro, Inc. v. MGA Entertainment, Inc.*, Case No. CA-06 262S, filed in the United States District Court for the District of Rhode Island, which prompted suspension of this case, has been finally determined and included as an exhibit thereto a copy of the final judgment that was entered in that civil action. That final judgment has a bearing on this case to the extent that the district court stated that opposer's pleaded Registration Nos. 834282 and 2894970 are "valid [and] subsisting."

Applicant's consented motion (filed October 23, 2008) to suspend this case for settlement negotiations is granted.¹

¹ Because a counterclaim has been instituted herein, the parties should not use electronic form motions to seek extensions and/or suspensions in this case.

Pursuant to the Board's September 7, 2007 order, any further requests to extend or suspend this case for settlement negotiations must include a detailed report on the

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Proceedings herein are suspended until April 21, 2009, subject to either party's right to request resumption at any time. See Trademark Rule 2.117(c).

If there is no word from either party concerning the progress of their negotiations by April 21, 2009, proceedings herein will resume automatically without further action by the Board on April 22, 2009. The parties will be allowed until May 22, 2009 to serve responses to any outstanding written discovery requests. Discovery and trial periods will be reset as follows.

THE PERIOD FOR DISCOVERY TO CLOSE: August 20, 2009

30-day testimony period for plaintiff in the opposition to close: November 18, 2009

30-day testimony period for defendant in the opposition and as plaintiff in the counterclaim to close: January 17, 2010

30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close: March 18, 2010

15-day rebuttal testimony period for plaintiff in the counterclaim to close: May 2, 2010

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due: July 1, 2010

status of the parties' negotiations. Failure to include such report may result in the Board's denial of the request to extend or suspend.

Brief for defendant in the opposition and as
plaintiff in the counterclaim shall be due:

July 31, 2010

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the opposition
shall be due:

August 30, 2010

Reply brief (if any) for plaintiff in the
counterclaim shall be due:

September 14, 2010

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.

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