

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

Baxley

Mailed: December 10, 2008

Opposition No. 91169231

Barbara J. Schell M.D. PLLC

v.

Graham D. Simpson

**Andrew P. Baxley, Interlocutory Attorney:**

Opposer's consented motion (filed December 5, 2008) to suspend this proceeding for sixty days to allow the parties time in which to prepare a revised concurrent use agreement is granted. Inasmuch as the parties intend to revise their concurrent use agreement, the order to show cause that the Board issued on November 5, 2008 is set aside.

Proceedings herein are suspended until February 8, 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 February 8, 2009, proceedings herein will resume automatically without further action by the Board on February 9, 2009. Testimony periods will go forward as follows.<sup>1</sup>

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<sup>1</sup> Proceedings will resume with the parties placed in the same position that they were on July 11, 2008 when opposer filed the

Plaintiff's **three-day** testimony period to close:

**March 12, 2009**

Defendant's 30-day testimony period to close:

**May 11, 2009**

Plaintiff's 15-day rebuttal testimony period to close:

**June 25, 2009**

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

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first version of the parties' concurrent use agreement with three days remaining in its testimony period.