

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

al/apb

Mailed: August 31, 2006

Opposition No. 91170897

Exist, Inc.

v.

Coexist LLP

Andrew P. Baxley, Interlocutory Attorney:

The parties' stipulation (filed August 7, 2006) to reset applicant's time in which to file an answer and to withdrawal the motion for default judgment that opposer filed on July 25, 2006 is approved.

In accordance with that stipulation, applicant's answer to the notice of opposition is due by not later than September 6, 2006. In addition, opposer's motion for default judgment will receive no consideration.

The Board deems the filing on July 24, 2006 of applicant's former attorney's request to withdraw from this case to have tolled the running of all dates herein. See TBMP Section 510.03(a) (2d ed. rev. 2004). Inasmuch as applicant's new attorney entered an appearance herein on August 7, 2006, proceedings herein are resumed. Discovery and testimony periods are reset as follows.

DISCOVERY PERIOD TO CLOSE:

1/5/07

Plaintiff's 30-day testimony period to close: **4/5/07**

Defendant's 30-day testimony period to close: **6/4/07**

Plaintiff's 15-day rebuttal testimony period to close: **7/19/07**

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.