

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

dmd

Mailed: December 8, 2006

Opposition No. 91172673

Bayer HealthCare LLC

v.

DIAGNOSTICA STAGO

Denise M. DelGizzi, Paralegal Specialist

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the notice of opposition that was intended for applicant to applicant instead of counsel of record for applicant. The Board set time for applicant to file its answer and when no answer was filed, the Board issued notice of default against applicant. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to counsel for applicant as follows, and the notice of default is hereby vacated:

Julie Seyler
Abelman Frayne & Schwab
666 Third Avenue
New York, NY 10017

In view of the circumstances herein, the time for filing an answer to the notice of opposition is extended to forty days from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. 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.

Discovery period to close:	06/27/07
30-day testimony period for party in position of plaintiff to close:	09/24/07
30-day testimony period for party in position of defendant to close:	11/23/07
15-day rebuttal testimony period to close:	01/07/08

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only

upon request filed as provided by Trademark Rule 2.129.