

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

Mailed: February 17, 2009

Opposition No. 91173105

Honda Motor Co., Ltd.

v.

Michael Dalton

Jennifer Krisp, Interlocutory Attorney:

This proceeding is before the Board for consideration of opposer's motion (filed January 16, 2009) for an extension of trial periods. On January 19, 2009, applicant filed a motion for an extension in response thereto, and filed concurrently therewith an opposition to opposer's motion to extend.

While opposer's motion for an extension sets forth a new closing date for its testimony period, namely, March 28, 2009, it is noted that, as last reset by the Board's order of August 20, 2008, and by the Board's order of December 17, 2008 granting the stipulated motion filed on December 1, 2008, opposer's first testimony period opened September 28, 2008 and closed on October 27, 2008. It is further noted that opposer filed, on October 27, 2008, a notice of reliance and trial testimony in support of its case.

Applicant's motion for an extension, filed on January 19, 2009, sets forth a schedule wherein the next testimony period to be extended is applicant's testimony period, and sets forth

a closing date thereof of March 28, 2009. In its brief in opposition, filed concurrently therewith, applicant requests that opposer's motion be denied, states that applicant did not agree to reopen or extend opposer's testimony period, and sets forth a new proposed closing date for its testimony period of March 26, 2009.

Inasmuch as opposer's testimony period closed on October 27, 2008, opposer's motion sets forth a ground for an extension which appears to be in error or not pertinent to the extension it seeks therein ("Opposer's counsel is on trial for the first two weeks of February and therefore unavailable for depositions."), and opposer does not appear to seek to extend or reopen its testimony period, opposer's motion for an extension is denied. Applicant's motion for an extension is granted to the extent that remaining testimony periods are hereby reset as follows:

30-day testimony period for party in position of defendant to close:

04/10/09

15-day rebuttal testimony period to close:

05/25/09

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.

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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.