

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

Mailed: December 22, 2009

Opposition No. 91176920

Durance

v.

Apex Energetics

Janice D. Hyman, Paralegal Specialist:

Opposer's consented motion to suspend proceedings filed December 17, 2009 is noted.

Inasmuch as opposer has provided the Board with a report on the progress of the parties settlement discussions as required in the Board July 6, 2009 order, the motion is granted.

Proceedings herein are suspended effective from the filing date of the motion to suspend, until March 29, 2010, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In order to avoid undue delay to the progress of this proceeding, the parties are advised that if another extension or suspension is required after this period expires, the parties will be expected to report on the progress of their settlement discussions to establish good

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cause for any further motion to extend or suspend. This report should include: a recitation of issues that have been resolved, issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Proceedings resume:	3/30/2010
Discovery Period to close:	7/28/2010
30-day testimony period for party in position of plaintiff to close:	10/26/2010
30-day testimony period for party in position of defendant to close:	12/25/2010
15-day rebuttal testimony period to close:	2/8/2011

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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