

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

Mailed: April 8, 2010

Opposition No. 91176920

Durance

v.

Apex Energetics

George C. Pologeorgis, Interlocutory Attorney:

Opposer's consented motion (filed March 24, 2010) to maintain suspension of these proceedings to allow the parties to continue their settlement efforts is noted.

Inasmuch as opposer has provided the Board with a report on the progress of the parties' settlement discussion as required in the Board's July 6, 2009 order and the Board finds good cause for the suspension request, opposer's motion to maintain suspension is granted.¹

Accordingly, proceedings herein remain suspended up to, and including, **June 27, 2010**, subject to the right of either

¹The parties are advised that if they seek another request to extend or suspend for settlement purposes, the parties are required to submit a supplemental status report of their settlement efforts, failing which the request to extend or suspend for settlement (whether consented to or not) **will not** be granted.

party to request resumption at any time. See Trademark Rule 2.117(c).

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:	6/28/2010
Discovery Period to close:	9/26/2010
30-day testimony period for party in position of plaintiff to close:	12/25/2010
30-day testimony period for party in position of defendant to close:	2/23/2011
15-day rebuttal testimony period to close:	4/9/2011

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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