

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

Mailed: June 28, 2010

Opposition No. 91176920

Durance

v.

Apex Energetics

George C. Pologeorgis, Interlocutory Attorney:

Opposer's consented motion (filed June 25, 2010) to maintain suspension of this case for an additional ninety days so that the parties may continue with their settlement negotiations is granted.¹

Accordingly, proceedings herein remain suspended up to, and including, **September 25, 2010**, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

¹ The Board finds good cause for the requested suspension based upon the status report filed concurrently with opposer's consented motion to suspend. The parties are reminded, however, that there is a continuing obligation to provide good cause in the form of progress reports for any further extension or suspension request. The Board will carefully scrutinize the supplemental status report to ascertain whether the parties' have made significant progress toward settlement and, if not, the Board may deny a future request to extend or suspend for settlement.

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, beginning with the deadline for discovery.

Proceedings resume:	9/26/2010
Discovery Period to close:	12/25/2010
30-day testimony period for party in position of plaintiff to close:	3/25/2011
30-day testimony period for party in position of defendant to close:	5/24/2011
15-day rebuttal testimony period to close:	7/8/2011

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 Rules 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.