

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

Mailed: July 14, 2009

Opposition Nos. 91184700
91184702
91184703

NBTY, Inc.

v.

Phyto Tech Corp.

Veronica P. White, Paralegal Specialist:

Opposer's consented motion (filed June 2, 2009) to suspend the opposition proceedings is granted. Because the parties are still negotiating for possible settlement of this case, proceedings herein remain suspended until **August 14, 2009**, subject to the right of either 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.

Expert Disclosures Due	10/1/2009
Discovery Closes	10/31/2009
Plaintiff's Pretrial Disclosures	12/15/2009
Plaintiff's 30-day Trial Period Ends	1/29/2010
Defendant's Pretrial Disclosures	2/13/2010
Defendant's 30-day Trial Period Ends	3/30/2010

Plaintiff's Rebuttal Disclosures
Plaintiff's 15-day Rebuttal Period Ends

4/14/2010
5/14/2010

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.