

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

tlc

Mailed: September 23, 2009

Opposition No. 91188339

Russell G. Weiner

v.

Pisano, John, Hofrichter,  
Edward

Cheryl Goodman, Interlocutory Attorney:

On August 7, 2009, the Board issued an order allowing 1) applicant thirty days in which to provide opposer's written consent to the abandonment of Class 21, failing which, judgment would be entered against applicant and the opposition sustained with respect to International Class 21; and 2) opposer thirty days to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended.

On August 27, 2009, applicant filed a copy of the parties' consent agreement with opposer's consent to the abandonment of Class 21.<sup>1</sup> Accordingly, the opposition is dismissed without prejudice as to International Class 21

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<sup>1</sup>In the parties' agreement, the goods in Class 21 are incorrectly stated to be in Class 25.

only. The opposition will proceed with respect to International Classes 16 and 25.<sup>2</sup>

Inasmuch as opposer has not filed a withdrawal of the opposition, proceedings herein are resumed upon the schedule set out below:

Time to Answer	<b>Closed</b>
Deadline for Discovery Conference	<b>Closed</b>
Discovery Opens	<b>Closed</b>
Initial Disclosures Due	<b>Closed</b>
Expert Disclosures Due	<b>12/20/09</b>
Discovery Closes	<b>1/19/10</b>
Plaintiff's Pretrial Disclosures	<b>3/5/10</b>
Plaintiff's 30-day Trial Period Ends	<b>4/19/10</b>
Defendant's Pretrial Disclosures	<b>5/4/10</b>
Defendant's 30-day Trial Period Ends	<b>6/18/10</b>
Plaintiff's Rebuttal Disclosures	<b>7/3/10</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>8/2/10</b>

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.

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<sup>2</sup>The Board notes that the parties' agreement states that "[w]ithin ten (10) days of entry of the amendment . . . Opposer agrees to withdraw his Notice of Opposition in Opposition No. 91188339 with prejudice." The amendments have now been approved.