

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

Mailed: March 10, 2010

Opposition No. 91190278

NAC Harmonic Drive, Inc.

v.

Harmonic Drive L.L.C.

**Robert H. Coggins,  
Interlocutory Attorney:**

This case comes up on applicant's motion (filed February 16, 2010) to extend applicant's time in which to file a brief in opposition to opposer's motion for summary judgment.

Telephone Conference

On March 9, 2010, at approximately 2:00 p.m. Eastern time, the Board exercised its discretion and conducted a telephone conference to resolve the motion. Participating in the conference were Michael Feigin, counsel for opposer; Lloyd Smith, counsel for applicant; and the above-referenced Board attorney responsible for resolving interlocutory matters in this case. During the conference, applicant was allowed time to present an oral reply brief in support of its motion.

The Board considered the arguments raised by both parties, as well as the supporting motion, brief in opposition, oral reply, and record of this case. The Board presumes familiarity with the issues, and for the sake of efficiency this order does not summarize the parties' arguments raised in the motion, briefs, or during the telephone conference. Instead, this order lists the decisions made by the Board.

Extension

By way of the motion, applicant seeks an extension until March 4, 2010, in which to file a brief in opposition to the outstanding motion for summary judgment. Applicant's motion was granted, and applicant's brief in opposition (filed March 4, 2010) was noted.

Schedule

Opposer's reply brief, if filed, is due March 24, 2010. Proceedings remain suspended pending disposition of the motion for summary judgment which will be taken up in due course.<sup>1</sup>

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<sup>1</sup> Suspension of proceedings pending disposition of the motion for summary judgment tolls all time periods, including the time to respond to outstanding discovery requests. Cf. Trademark Rule 2.127(d) and TBMP §528.03 (2d ed. rev. 2004) and cases cited therein.