

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: September 9, 2014

Opposition No. 91215449

Lumen Water, Inc.

v.

Nuclear Wine Company LLC

**Cheryl S. Goodman, Interlocutory Attorney:**

This order replaces the ESTTA order issued September 5, 2014, which did not address the pending motion to amend to add a counterclaim.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until October 5, 2014, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c). Proceedings will resume on the schedule set forth in the September 5, 2014 motion.

In view of this suspension, all pending motions (i.e., motion to amend) are denied without prejudice.

Upon the resumption of proceedings, if a party believes its motion pending at the time of suspension and denied by this order was not resolved or made moot, the party may renew the motion by written request to the Board, citing the motion's title, date of filing, and docket entry in the Board's

electronic proceeding file. Any motion renewed must be accompanied by a signed statement that the motion has been reviewed in its entirety and concerns matters still disputed between the parties.

If the renewed motion was contested at the time of suspension and the non-moving party believes that its original response requires supplementation in view of events since suspension, the non-moving party has FIFTEEN DAYS from the date of service of the renewal of the motion to file a supplemental response.

During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.