

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

Mailed: August 17, 2005

Cancellation No. 92040092

KAPALUA LAND COMPANY, LTD.

v.

KAPALUA STRICKWAREN GMBH

**Peter Cataldo, Attorney:**

On April 8, 2005, the Board issued an order granting applicant's March 3, 2005 motion to suspend. In that order, the Board advised the parties as follows:

**The parties must note** that inasmuch as the instant proceeding has been pending since November 2001 and issue is not yet joined, the Board will look with disfavor upon any further requests to suspend or extend dates predicated upon settlement negotiations between the parties. (emphasis in original.)

The Board's April 8, 2005 order further provided that action in the instant proceeding would resume on July 15, 2005. Subsequently, on July 12, 2005, applicant filed its ninth request for suspension of the instant proceeding pending the outcome of settlement negotiations between the parties.

In view of the fact that the instant proceeding has been pending for nearly four years and further in view of the Board's admonishment to the parties in our April 8, 2005 order regarding further suspension, applicant's July 12, 2005 motion to suspend is hereby DENIED.

**Cancellation No. 92040092**

The parties are advised that the Board will not entertain further motions to extend or suspend dates in this proceeding predicated upon settlement negotiations, and will closely examine any motion to extend or suspend filed upon another basis. In short, it appears from the record that the parties have been unable to negotiate a settlement of the instant proceeding, and must now proceed with trial.

Accordingly, proceedings herein remain resumed, and appropriate dates are set as indicated below.

Applicant is allowed until THIRTY DAYS from the mailing date hereof in which to file and serve its answer to opposer's July 9, 2001 notice of opposition.

DISCOVERY TO CLOSE:	January 31, 2006
Thirty-day testimony period for party in position of plaintiff to close	May 1, 2006
Thirty-day testimony period for party in position of defendant to close	June 30, 2006
Fifteen-day rebuttal testimony period to close	August 14, 2006

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. See 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.