

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

Mailed: June 13, 2007

Opposition No. 92046649

DeepSea Power & Light, Inc.

v.

Powerlinx, Inc.

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

On June 11, 2007, the Board's Electronic System for Trademark Trials and Appeals (ESTTA) automatically granted respondent and counterclaim plaintiff's consent motion (filed that same day through ESTTA) to suspend proceedings pending settlement negotiations between the parties. It has come to the Board's attention that there are some outstanding issues that were not addressed by the Board in the ESTTA-generated suspension order.

Pleadings

Respondent's amended answer with counterclaim (filed February 23, 2007) is accepted as a matter of course. See Fed. R. Civ. P. 15(a). Petitioner's answer to the counterclaim (filed March 13, 2007) is noted. Petitioner's motion for default judgment (filed January 9, 2007) is denied as moot.

Suspension

Proceedings remain suspended. However, the trial schedule in the consent motion to suspend did not contemplate testimony periods for the counterclaim. In view thereof, the Board's June 11, 2007 suspension order is modified to the extent hereinbelow.

Proceedings resume automatically without further notice or order from the Board: 8/11/2007

Discovery period to close: 12/9/2007

30-day testimony period for party in position of plaintiff in the cancellation to close: 3/8/2008

30-day testimony period for party in position of defendant in the cancellation and plaintiff in the counterclaim to close: 5/7/2008

30-day rebuttal testimony period for plaintiff in the cancellation and defendant in the counterclaim to close: 7/6/2008

15-day rebuttal testimony period for plaintiff in the counterclaim to close: 8/20/2008

**Briefs shall be due as follows:  
[See Trademark Rule 2.128(a)(2)].**

Brief for plaintiff in the cancellation shall be due: 10/19/2008

Brief for defendant in the cancellation and plaintiff in the counterclaim shall be due: 11/18/2008

Brief for defendant in the counterclaim and reply brief, if any, for plaintiff in the cancellation shall be due: 12/18/2008

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Reply brief, if any, for  
plaintiff in the counterclaim  
shall be due:

1/2/2009

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. An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Any future motions to suspend for settlement negotiations filed by the parties should be accompanied by a discovery and trial schedule that contemplates, upon resumption, the close of discovery and testimony periods for the counterclaim.

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