

TTAB

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 29, 2004

Opposition No. 91096162

SIMPLY GRAND MUSIC, INC.

v.

WOOLY MAN PRODUCTIONS, INC.

Janice D. Hyman, Paralegal Specialist:

On September 20, 2002, the Board issued an order allowing the parties thirty days to inform the Board of the status of the civil action which occasioned the suspension of this proceeding. Inasmuch as no response to the Board's order has been received from either party, proceedings herein are resumed and applicant has thirty days from the date of the mailing of this order to provide answers to all outstanding discovery served on applicant by opposer on August 17, 1995, to enable opposer to respond to applicant's motion for summary judgment. Opposer then has thirty days from the date of service of the discovery responses to file its answer to applicant's motion for summary judgment.



08-27-2004

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In the event applicant fails to provide the outstanding discovery, a motion for default judgment may be entertained by the Board.

Discovery and trial dates are hereby reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **10/25/04**

Thirty-day testimony period for party in position of plaintiff to close: **1/23/05**

Thirty-day testimony period for party in position of defendant to close: **3/24/05**

Fifteen-day rebuttal testimony period to close: **5/08/05**

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.