

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: October 9, 2003

Opposition No. 91118621

G. D. SEARLE & CO.

v.

BIOMARINE LTD.

Peter Cataldo, Interlocutory Attorney

On July 9, 2003, the Board issued an order allowing the parties to submit a further amendment to the drawing in applicant's application Serial No. 75/498,497. Office records indicate no response thereto. Inasmuch as the proposed amendment to the drawing of applicant's mark remains unacceptable for the reasons set forth in the Board's July 9, 2003 order, the Board cannot give effect to the parties' May 28, 2003 stipulated withdrawal of the instant opposition.

Accordingly, proceedings herein are resumed and will proceed on the mark as depicted in the original drawing, and trial dates, including the close of discovery, are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: December 1, 2003

30-day testimony period for party in
position of plaintiff to close: February 29, 2004

30-day testimony period for party in
position of defendant to close:

April 29, 2004

15-day rebuttal testimony period for
plaintiff to close:

June 13, 2004

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.

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