

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

Mailed: January 24, 2006

Opposition No. **91125588**

CAMPBELL HAUSFELD/SCOTT  
FETZER COMPANY

v.

GRACO, INC.

***Rochelle Ricks, Paralegal Specialist:***

It has come to the attention of the Board that, due to a clerical error by the Patent and the Trademark Office, Trademark Registration No. 3,043,017 (application Serial No. 75621248), for the mark, was inadvertently issued on January 17, 2006. The registration issued inadvertently after a Notice of Opposition has been timely filed with the Trademark Trial and Appeal Board.

Accordingly, the above-identified application will be forwarded to the Office of the Assistant Commissioner for Trademark for appropriate action.<sup>1</sup>

The parties are advised, however, that the opposition proceeding will go forward in the usual manner and in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are SUSPENDED until **July 28, 2006**, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Applicant is allowed THIRTY DAYS from resumption in which to answer the notice of opposition. The parties are allowed the same THIRTY DAYS in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings resume:	<b>July 28, 2006</b>
Discovery period to close:	<b>October 26, 2006</b>
Thirty-day testimony period for party in position of plaintiff to close:	<b>January 24, 2007</b>
Thirty-day testimony period for party in position of defendant to close:	<b>March 25, 2007</b>
Fifteen-day rebuttal testimony period to close:	<b>May 9, 2007</b>

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<sup>1</sup> The Office of the Assistant Commissioner for Trademarks may issue an order canceling the inadvertently issued registration and restoring the application to pendency, subject to the present opposition proceeding.

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.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.