

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

KSK

Mailed: July 19, 2002

Opposition No. 150,115

Leo Stoller dba Central
Mfg

v.

Stealthy Eye, Inc.

Karen Kuhlke, Attorney:

On September 28, 2001, the Board issued the notice instituting this proceeding and allowed applicant until November 7, 2001 to file an answer. It has come to the attention of the Board, that opposer filed an amended notice of opposition on September 4, 2001 which was recently associated with the case file. In view thereof, opposer's amended notice of opposition is noted and forwarded to applicant. Fed. R. Civ. P. 15(a). Applicant is allowed until THIRTY DAYS from the mailing date hereof to file an answer or other response to the amended notice of opposition.

Opposer's request contained in footnote 1 of the amended notice of opposition to substitute or join Central Mfg. Co. as an interested party is denied. All potential parties in an opposition proceeding must file a notice of

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opposition within the prescribed time period. Trademark Act Section 13. Once the time period for filing a notice of opposition has expired another party may not be joined, even a party in privity, because it would be an untimely opposition. A party may be joined as a party after the filing of an opposition if the interest in the proceeding has been wholly assigned to another party.

Accordingly, the sole plaintiff is the individual Leo Stoller, dba Central Mfg.

Discovery and trial dates are reset as indicated below.

DISCOVERY PERIOD TO CLOSE:	December 19, 2002
Testimony period for party in position of plaintiff to close:	March 19, 2003
Testimony period for party in position of defendant to close:	May 18, 2003
Rebuttal testimony period to close:	July 2, 2003

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.

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