

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

Mailed: February 25, 2004

Opposition No. 91152865

MARY KAY INC.

v.

CLINIQUE LABORATORIES, INC.

The suspension period having expired with no word from either party concerning the status of their negotiations, it is concluded that efforts to reach an amicable settlement in this case have been unsuccessful.

Accordingly, proceedings herein are resumed and applicant is allowed until thirty days from the mailing date of this order to file an answer to the notice of opposition.

Discovery is open and the close of discovery and trial dates are set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE: September 10, 2004

30-day testimony period for party
in position of plaintiff to close: December 9, 2004

30-day testimony period for party
in position of defendant to close: February 7, 2005

15-day rebuttal testimony period to close: March 23, 2005

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.

Karl Kochersperger, Paralegal